



Iowa General Assembly
Daily Bills, Amendments & Study Bills
February 16, 2011

House Amendment 1085

PAG LIN

1 1 Amend House File 182 as follows:
1 2 #1. Page 1, by striking lines 6 through 13 and
1 3 inserting:
1 4 <Sec. _____. Section 901.3, Code 2011, is amended by
1 5 adding the following new subsection:
1 6 NEW SUBSECTION. 8. Whether the defendant has a
1 7 history of mental health or substance abuse problems.
1 8 If so, the investigator shall inquire into the
1 9 treatment options available in both the community of
1 10 the defendant and the correctional system.
1 11 Sec. _____. Section 901.3, subsection 7, unnumbered
1 12 paragraph 2, Code 2011, is amended to read as follows:
1 13 All local and state mental and correctional
1 14 institutions, courts, and police agencies shall furnish
1 15 to the investigator on request the defendant's criminal
1 16 record and other relevant information. The originating
1 17 source of specific mental health or substance abuse
1 18 information including the histories, treatment, and use
1 19 of medications shall not be released to the presentence
1 20 investigator unless the defendant authorizes the
1 21 release of such information. If the defendant
1 22 refuses to release the information, the presentence
1 23 investigator may note the defendant's refusal to
1 24 release mental health or substance abuse information
1 25 in the presentence investigation report and rely upon
1 26 other mental health or substance abuse information
1 27 available to the presentence investigator. With
1 28 the approval of the court, a physical examination or
1 29 psychiatric evaluation of the defendant may be ordered,
1 30 or the defendant may be committed to an inpatient or
1 31 outpatient psychiatric facility for an evaluation of
1 32 the defendant's personality and mental health. The
1 33 results of any such examination or evaluation shall be
1 34 included in the report of the investigator.>
1 35 #2. By renumbering as necessary.

HAGENOW of Polk
HF182.491 (1) 84
jm/nh



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House Amendment 1086

PAG LIN

1 1 Amend House File 222 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 68A.405, subsection 1,
1 4 paragraphs a and b, Code 2011, are amended to read as
1 5 follows:
1 6 a. For purposes of this subsection:
1 7 (1) "Individual" includes a candidate for public
1 8 office who has not filed a statement of organization
1 9 under section 68A.201.
1 10 (2) "Organization" includes an organization
1 11 established to advocate the passage or defeat of a
1 12 ballot issue but that has not filed a statement of
1 13 organization under section 68A.201.
1 14 (3) "Published material" means any newspaper,
1 15 magazine, shopper, outdoor advertising facility,
1 16 poster, direct mailing, brochure, internet website,
1 17 campaign sign, or any other form of printed general
1 18 public political advertising. "Published material"
1 19 includes television, radio, video, or motion picture
1 20 advertising.
1 21 b. (1) Except as set out in subsection 2,
1 22 published material, or automated telephone calls
1 23 designed to expressly advocate the nomination,
1 24 election, or defeat of a candidate for public office or
1 25 the passage or defeat of a ballot issue shall include
1 26 on the published material an attribution statement
1 27 disclosing who is responsible for the published
1 28 material.
1 29 (2) Automated telephone calls made by a person or
1 30 organization for the purpose of gathering information
1 31 to inform or influence an election for a public office
1 32 shall include a disclaimer clearly identifying the name
1 33 of the caller, the name of the person or organization
1 34 funding the communication, and the name and telephone
1 35 number of an authorized person responsible for the
1 36 communication.
1 37 ~~(2)~~ (3) The person who is responsible for the
1 38 published material has the sole responsibility and
1 39 liability for the attribution statement required by
1 40 this section.>
1 41 #2. Title page, line 1, after <to> by inserting:
1 42 <require attribution statements for certain campaign
1 43 communications, and to>
1 44 #3. By renumbering as necessary.

ISENHART of Dubuque
HF222.335 (2) 84
jr/rj



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House Amendment 1087

PAG LIN

1 1 Amend House File 222 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 Section 1. NEW SECTION. 68A.407 Communications
1 4 provided to the board.
1 5 1. Any communication used in an automated telephone
1 6 call, which is made to influence an election for a
1 7 public office, and paid for as a direct, in-kind or
1 8 independent expenditure by a person, candidate, or
1 9 political committee, shall be filed with the board
1 10 in both electronic and script formats, according to
1 11 specifications established by the board.
1 12 2. The communication shall be filed within
1 13 twenty-four hours of when the communication was first
1 14 made or within six hours of when the communication
1 15 was first made if so communicated within five days
1 16 of the election. The filing shall include the total
1 17 expenditures associated with the communication.
1 18 3. An automated telephone call made to influence an
1 19 election for public office, and paid for as a direct,
1 20 in-kind or independent expenditure by a person or by
1 21 a candidate or political committee, shall not be made
1 22 if it has not been filed with the board as required by
1 23 this section.
1 24 4. Any communication filed with the board which
1 25 directly or indirectly refers to a vote, position,
1 26 or view taken by a candidate for public office, or
1 27 portrays the view of a candidate for public office,
1 28 shall include documentation of that vote, position,
1 29 or view in a form required by the board. The
1 30 documentation shall include but not necessarily be
1 31 limited to the date, place, and manner by which the
1 32 candidate cast such a vote, took such a position or
1 33 expressed such a view, and shall reference a public
1 34 source of information where the documentation can
1 35 be verified. In addition, the filing shall include
1 36 the name, address, telephone number and electronic
1 37 mail address of the person who is taking legal
1 38 responsibility for the truthfulness of the information.
1 39 5. A communication filed with the board and its
1 40 associated documentation shall be permanently posted by
1 41 the board on a publicly accessible internet site in an
1 42 easily identifiable format as soon as technically and
1 43 reasonably possible.
1 44 6. The board may establish reasonable fees to
1 45 cover the costs associated with implementation of this
1 46 section, payable by the persons, candidate committees,
1 47 political committees, or other entities filing
1 48 communications with the board.
1 49 7. In addition to the penalty set out in section
1 50 68A.701, a person who violates this section shall be



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House Amendment 1087 continued

2 1 subject to a penalty not to exceed the total amount
2 2 of the expenditures to produce and transmit the
2 3 communication.>
2 4 #2. Title page, line 1, after <to> by inserting:
2 5 <require reporting requirements for certain campaign
2 6 communications, and to>
2 7 #3. By renumbering as necessary.

ISENHART of Dubuque
HF222.336 (1) 84
jr/rj



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House Amendment 1088

PAG LIN

1 1 Amend the amendment, H=1084, to House File 194 as
1 2 follows:
1 3 #1. Page 1, after line 45 by inserting:
1 4 <(2A) The enhanced cumulative income surtax imposed
1 5 pursuant to this paragraph "b" shall not apply for
1 6 purposes of calculating the cumulative limitation
1 7 described in paragraph "a".>

HELLAND of Polk
H1084.494 (2) 84
tw/sc



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House Amendment 1089

PAG LIN

1 1 Amend House File 195 as follows:

1 2 #1. By striking everything after the enacting clause
1 3 and inserting:

1 4 <Section 1. Section 598.41D, Code 2011, is amended
1 5 to read as follows:

1 6 598.41D Assignment of visitation or physical care
1 7 parenting time ==== parent serving active duty ==== family
1 8 member.

1 9 1. Notwithstanding any provision to the contrary, a
1 10 parent who has been granted court=ordered visitation
1 11 with the parent's minor child may file an application
1 12 for modification of a decree or a petition for
1 13 modification of an order regarding child visitation,
1 14 prior to or during the time the parent is serving
1 15 active duty in the military service of the United
1 16 States, to temporarily assign that parent's visitation
1 17 ~~rights~~ to a family member of the minor child, as
1 18 specified by the parent. The application or petition
1 19 shall be accompanied by an affidavit from the family
1 20 member indicating the family member's knowledge of the
1 21 application or petition and willingness to exercise the
1 22 parent's visitation ~~rights~~ during the parent's absence.
1 23 The application or petition shall also request any
1 24 change in the visitation schedule necessitated by the
1 25 assignment.

1 26 2. Notwithstanding any provision to the contrary,
1 27 a parent who has been granted court=ordered physical
1 28 care or joint physical care of the parent's minor child
1 29 may file an application for modification of a decree
1 30 or a petition for modification of an order regarding
1 31 child custody, prior to or during the time the parent
1 32 is serving active duty in the military service of the
1 33 United States, to temporarily assign the parent's
1 34 physical care parenting time to a family member of
1 35 the minor child, as specified by the parent. The
1 36 application or petition shall be accompanied by an
1 37 affidavit from the family member indicating the family
1 38 member's knowledge of the application or petition
1 39 and willingness to exercise the parent's physical
1 40 care parenting time during the parent's absence.
1 41 The application or petition shall also request any
1 42 change in the physical care parenting time schedule
1 43 necessitated by the assignment.

1 44 ~~2.~~ 3. a. If the active duty of a parent affects
1 45 the parent's ability or anticipated ability to appear
1 46 at a regularly scheduled hearing, the court shall
1 47 provide for an expedited hearing in matters instituted
1 48 under this section.

1 49 b. If the active duty or anticipated active duty of
1 50 a parent prevents the parent from appearing in person



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2 1 at a hearing, the court shall provide, upon reasonable
2 2 advance notice, for the parent to present testimony
2 3 and evidence by electronic means in matters instituted
2 4 under this section. For the purposes of this
2 5 paragraph, "electronic means" includes communication by
2 6 telephone, video teleconference, or the internet.

2 7 ~~3.~~ 4. a. The court may grant the parent's request
2 8 for temporary assignment of visitation or physical
2 9 care parenting time and any change in the visitation
2 10 or physical care parenting time schedule requested if
2 11 the court finds that such assignment of visitation or
2 12 physical care parenting time is in the best interest
2 13 of the child.

2 14 b. In determining the best interest of the child,
2 15 the court shall ensure all of the following:

2 16 (1) That the specified family member is not a sex
2 17 offender as defined in section 692A.101.

2 18 (2) That the specified family member does not have
2 19 a history of domestic abuse, as defined in section
2 20 236.2. In determining whether a history of domestic
2 21 abuse exists, the court's consideration shall include
2 22 but is not limited to commencement of an action
2 23 pursuant to section 236.3, the issuance of a protective
2 24 order against the individual or the issuance of a
2 25 court order or consent agreement pursuant to section
2 26 236.5, the issuance of an emergency order pursuant to
2 27 section 236.6, the holding of an individual in contempt
2 28 pursuant to section 664A.7, the response of a peace
2 29 officer to the scene of alleged domestic abuse or the
2 30 arrest of an individual following response to a report
2 31 of alleged domestic abuse, or a conviction for domestic
2 32 abuse assault pursuant to section 708.2A.

2 33 (3) That the specified family member does not have
2 34 a record of founded child or dependent adult abuse.

2 35 (4) That the specified family member has an
2 36 established relationship with the child and assigning
2 37 visitation or physical care parenting time to the
2 38 specified family member will provide the child the
2 39 opportunity to maintain an ongoing family relationship
2 40 that is important to the child.

2 41 (5) That the specified family member ~~is able~~
2 42 ~~demonstrates an ability~~ to personally and financially
2 43 support the child and will support the child's
2 44 relationship with both of the child's parents during
2 45 the assigned visitation or physical care parenting
2 46 time.

2 47 ~~4.~~ 5. An order granting assignment of visitation
2 48 ~~rights or physical care parenting time~~ under this
2 49 section does not create separate rights to visitation
2 50 or physical care parenting time for a person other than



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House Amendment 1089 continued

3 1 the parent. An order granting assignment of visitation
3 2 or physical care parenting time under this section
3 3 does not grant any custodial or parental rights to any
3 4 person who is not the parent of the child.

3 5 6. An order granted under this section may
3 6 temporarily assign visitation or physical care
3 7 parenting time that is equal to or less than the
3 8 visitation or physical care parenting time awarded to
3 9 the parent whose visitation or physical care parenting
3 10 time is assigned.

3 11 ~~5.~~ 7. The parent whose visitation ~~rights are~~ or
3 12 physical care parenting time is temporarily assigned
3 13 shall provide a copy of the order granting assignment
3 14 of visitation or physical care parenting time to the
3 15 school and school district of the child to whom the
3 16 order applies.

3 17 ~~6.~~ 8. An order granting temporary assignment
3 18 of visitation ~~rights~~ or physical care parenting
3 19 time pursuant to this section shall terminate
3 20 upon notification of the court by the parent or
3 21 automatically upon the parent's completion of active
3 22 duty, whichever occurs first.

3 23 ~~7.~~ 9. After a parent completes active duty, if an
3 24 application for modification of a decree or a petition
3 25 for modification of an order is filed, the parent's
3 26 absence due to active duty or the assignment of
3 27 visitation ~~rights~~ or physical care parenting time does
3 28 not constitute a substantial change in circumstances,
3 29 and the court shall not consider a parent's absence due
3 30 to that active duty or the assignment of visitation
3 31 ~~rights~~ or physical care parenting time in making a
3 32 determination regarding the best interest of the child
3 33 relative to such an application or petition filed after
3 34 a parent completes active duty.

3 35 ~~8.~~ 10. As used in this section, "active duty"
3 36 means active military duty pursuant to orders issued
3 37 under Tit. X of the United States Code. However, this
3 38 section shall not apply to active guard and reserve
3 39 duty or similar full-time military duty performed by
3 40 a parent when the child remains in actual custody of
3 41 the parent.

3 42 11. As used in this section, "parenting time" means
3 43 actual time spent with the child as specified in a
3 44 decree or order, but does not include any other element
3 45 of legal custody, physical care, or joint physical
3 46 care.

3 47 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
3 48 deemed of immediate importance, takes effect upon
3 49 enactment.>

3 50 #2. Title page, line 1, by striking <joint>.



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House Amendment 1090

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1 1 Amend House File 222 as follows:
1 2 #1. Page 1, before line 1 by inserting:
1 3 <Section 1. Section 68A.405, subsection 1,
1 4 paragraphs a and b, Code 2011, are amended to read as
1 5 follows:
1 6 a. For purposes of this subsection:
1 7 (1) "Individual" includes a candidate for public
1 8 office who has not filed a statement of organization
1 9 under section 68A.201.
1 10 (2) "Organization" includes an organization
1 11 established to advocate the passage or defeat of a
1 12 ballot issue but that has not filed a statement of
1 13 organization under section 68A.201.
1 14 (3) "Published material" means any newspaper,
1 15 magazine, shopper, outdoor advertising facility,
1 16 poster, direct mailing, brochure, internet website,
1 17 campaign sign, or any other form of printed general
1 18 public political advertising. "Published material"
1 19 includes television, radio, video, or motion picture
1 20 advertising.
1 21 b. (1) Except as set out in subsection 2,
1 22 published material, or automated telephone calls
1 23 designed to expressly advocate the nomination,
1 24 election, or defeat of a candidate for public office or
1 25 the passage or defeat of a ballot issue shall include
1 26 on the published material an attribution statement
1 27 disclosing who is responsible for the published
1 28 material.
1 29 (2) Automated telephone calls made by a person or
1 30 organization for the purpose of gathering information
1 31 about or to influence an election for a public office
1 32 shall include a disclaimer clearly identifying the name
1 33 of the caller, the name of the person or organization
1 34 funding the communication, and the name and telephone
1 35 number of an authorized person responsible for the
1 36 communication.
1 37 ~~(2)~~ (3) The person who is responsible for the
1 38 published material has the sole responsibility and
1 39 liability for the attribution statement required by
1 40 this section.>
1 41 #2. Title page, line 1, after <to> by inserting:
1 42 <require attribution statements for certain campaign
1 43 communications, and to>
1 44 #3. By renumbering as necessary.

ISENHART of Dubuque
HF222.524 (1) 84
jr/rj



Iowa General Assembly
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House File 287 - Introduced

HOUSE FILE
BY HEATON

A BILL FOR

1 An Act relating to eligibility requirements under the medical
2 assistance program and providing penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2124YH (2) 84
pf/rj



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House File 287 - Introduced continued

PAG LIN

1 1 Section 1. Section 249A.3, Code 2011, is amended by adding
1 2 the following new subsections:

1 3 NEW SUBSECTION. 15. In determining eligibility of an
1 4 applicant for medical assistance, the department shall require
1 5 verification of residency in the state. The department
1 6 shall establish or continue cooperative arrangements with the
1 7 United States social security administration, the secretary
1 8 of state, the department of revenue, the department of
1 9 workforce development, and any other appropriate entity to
1 10 gain electronic access, to the extent allowed by law, to
1 11 information available to those entities that may be appropriate
1 12 for electronically verifying an applicant's residency. The
1 13 information provided shall be provided for no other purpose
1 14 than to verify residency and the data requested shall be
1 15 requested and provided only to the extent necessary to
1 16 determine an applicant's residency. A recipient of medical
1 17 assistance shall be subject to verification of residency upon
1 18 renewal of eligibility.

1 19 NEW SUBSECTION. 16. Unless required by federal law, an
1 20 adult, with the exception of a pregnant woman, shall not be
1 21 presumptively eligible for medical assistance.

1 22 Sec. 2. NEW SECTION. 249A.8A Civil penalty ==== residency
1 23 requirement.

1 24 In addition to any other penalties applicable, an applicant
1 25 for medical assistance under this chapter who knowingly makes
1 26 or causes to be made a false statement or a misrepresentation
1 27 of a material fact or knowingly fails to disclose a material
1 28 fact regarding the applicant's residency as required pursuant
1 29 to section 249A.3, subsection 15, is subject to a civil penalty
1 30 of two thousand dollars.

1 31 EXPLANATION

1 32 This bill provides that in determining eligibility of an
1 33 applicant for medical assistance (Medicaid), the department of
1 34 human services (DHS) shall require verification of residency
1 35 in the state. The bill directs DHS to establish or continue



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2 1 any cooperative arrangements with appropriate entities to gain
2 2 electronic access to information available to the entities that
2 3 may be appropriate for electronically verifying an applicant's
2 4 residency. The bill also provides that unless required
2 5 by federal law, an adult, with the exception of a pregnant
2 6 woman, shall not be presumptively eligible for Medicaid. The
2 7 bill also provides that, in addition to any other penalties
2 8 applicable, an applicant for Medicaid who knowingly makes or
2 9 causes to be made a false statement or a misrepresentation
2 10 of a material fact or knowingly fails to disclose a material
2 11 fact regarding the applicant's residency is subject to a civil
2 12 penalty of \$2,000.

LSB 2124YH (2) 84

pf/rj



Iowa General Assembly
Daily Bills, Amendments & Study Bills
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House File 288 - Introduced

HOUSE FILE
BY HEATON and GRASSLEY

A BILL FOR

1 An Act requiring the department of human services to request
2 authorization from the United States department of
3 agriculture to allow the state to restrict the use of food
4 assistance benefits for food items with a low nutritional
5 value and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1939YH (3) 84
jp/nh



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House File 288 - Introduced continued

PAG LIN

1 1 Section 1. FOOD ASSISTANCE PROGRAM ==== AUTHORITY TO RESTRICT
1 2 USE OF BENEFITS. The department of human services shall submit
1 3 a request to the United States department of agriculture for
1 4 authorization for a waiver, pilot project, or other approach
1 5 for restricting the use of food assistance benefits, as
1 6 administered by the state under the federal supplemental
1 7 nutrition assistance program, for food items with a low
1 8 nutritional value. The request shall be submitted within 60
1 9 days of the effective date of this Act. The department shall
1 10 regularly report on the status of the request to the members
1 11 of the joint appropriations subcommittee on health and human
1 12 services and the legislative services agency.

1 13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 14 immediate importance, takes effect upon enactment.

1 15 EXPLANATION

1 16 This bill requires the department of human services to
1 17 request authorization from the United States department of
1 18 agriculture to allow the state to restrict the use of food
1 19 assistance benefits for food items with a low nutritional
1 20 value. The state administers the food assistance benefits,
1 21 formerly known as food stamps, under the federal supplemental
1 22 nutritional assistance program or SNAP.

1 23 The department is directed to submit the request within
1 24 60 days of the bill's effective date and to report regularly
1 25 on the status of the request to the members of the joint
1 26 appropriations subcommittee on health and human services and
1 27 the legislative services agency.

1 28 The bill takes effect upon enactment.

LSB 1939YH (3) 84

jp/nh



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House File 289 - Introduced

HOUSE FILE

BY HEATON, J. SMITH,
RAYHONS, LOFGREN,
WORTHAN, SODERBERG,
ARNOLD, TJEPKES,
DE BOEF, HUSEMAN, and
BRANDENBURG

A BILL FOR

1 An Act providing a credit against the individual income tax for
2 volunteer fire fighters, certified reserve peace officers,
3 and volunteer emergency medical services personnel and
4 including effective and applicability date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2174HH (3) 84
tw/sc



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House File 289 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. (1) A volunteer fire fighter, certified
1 4 reserve peace officer, and volunteer emergency medical services
1 5 personnel credit equal to five hundred dollars.
1 6 (2) If the taxpayer is not a volunteer fire fighter,
1 7 certified reserve peace officer, or volunteer emergency medical
1 8 services personnel for the entire tax year, the amount of the
1 9 credit stated in subparagraph (1) shall be prorated and the
1 10 amount of credit shall equal the maximum amount of credit for
1 11 the tax year, divided by twelve, multiplied by the number
1 12 of months in the tax year that the taxpayer was a volunteer
1 13 fire fighter, certified reserve peace officer, or volunteer
1 14 emergency medical services personnel. The credit amount shall
1 15 be rounded to the nearest five dollars.
1 16 (3) If the taxpayer is a volunteer fire fighter, certified
1 17 reserve peace officer, or volunteer emergency medical services
1 18 personnel during any part of a month, the taxpayer shall be
1 19 considered a volunteer fire fighter, certified reserve peace
1 20 officer, or volunteer emergency medical services personnel
1 21 for the entire month. If the taxpayer can claim the credit
1 22 for being a volunteer fire fighter, certified reserve peace
1 23 officer, or volunteer emergency medical services personnel in
1 24 the same month, a credit may be claimed for only one position
1 25 for that month.
1 26 (4) The taxpayer shall have a written statement from the
1 27 fire chief, the police chief or sheriff, or from another
1 28 appropriate supervisor verifying that the taxpayer was a
1 29 volunteer fire fighter, certified reserve peace officer, or
1 30 volunteer emergency medical services personnel during the
1 31 months for which the credit under this subsection is claimed.
1 32 (5) For purposes of this paragraph "c":
1 33 (a) "Certified reserve peace officer" means a reserve peace
1 34 officer certified through the Iowa law enforcement academy as
1 35 provided in section 80D.4 or a person certified pursuant to



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House File 289 - Introduced continued

2 1 section 80D.3, subsection 3, paragraph "b".
2 2 (b) "Emergency medical services personnel" means an emergency
2 3 medical care provider who is certified as a first responder
2 4 pursuant to chapter 147A.
2 5 (c) "Volunteer fire fighter" means a volunteer fire fighter
2 6 as defined in section 85.61 who has met the minimum training
2 7 standards established by the fire service training bureau
2 8 pursuant to chapter 100B.
2 9 Sec. 2. EFFECTIVE AND APPLICABILITY DATES. This Act takes
2 10 effect January 1, 2012, for tax years beginning on or after
2 11 that date.

2 12 EXPLANATION

2 13 This bill provides an individual income tax credit of \$500 to
2 14 an individual who was a volunteer fire fighter who has met the
2 15 minimum training standards, a certified reserve peace officer,
2 16 or a certified volunteer emergency medical services personnel.
2 17 The credit is to compensate the individual for providing these
2 18 services on a volunteer or reserve basis. If the individual
2 19 was not a volunteer fire fighter, certified reserve peace
2 20 officer, or volunteer emergency medical services personnel for
2 21 the entire tax year, the amount of credit is prorated based
2 22 upon the months of service. A credit may be claimed for only
2 23 one position per month.
2 24 The bill takes effect January 1, 2012, for tax years
2 25 beginning on or after that date.

LSB 2174HH (3) 84

tw/sc



Iowa General Assembly
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House File 290 - Introduced

HOUSE FILE
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO HF 53)

A BILL FOR

1 An Act to allow the use of motorcycles equipped with detachable
2 stabilizing rear wheels on Iowa roads.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1571HV (1) 84

dea/nh



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House File 290 - Introduced continued

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1 1 Section 1. NEW SECTION. 321.435 Motorcycles equipped with
1 2 detachable stabilizing wheels.

1 3 Notwithstanding any other provision of law, a motor vehicle
1 4 that is originally designed as a two=wheeled motorcycle and
1 5 is modified using conversion hardware which allows for the
1 6 attachment and detachment of two stabilizing rear wheels may
1 7 be operated on a highway with the stabilizing wheels attached
1 8 in accordance with the provisions of this chapter applicable
1 9 to motorcycles. A motorcycle shall not be determined to be
1 10 reconstructed based on the sole fact that two stabilizing
1 11 wheels have been added as described in this section.

1 12 EXPLANATION

1 13 This bill authorizes operation of motorcycles equipped with
1 14 detachable stabilizing wheels on the rear of the motorcycle.
1 15 The additional wheels are typically installed using an assembly
1 16 mounted on brackets which are permanently attached to the frame
1 17 of the motorcycle. The assembly containing the wheels can be
1 18 removed from the brackets to convert the motorcycle back to
1 19 two=wheeled operation.

1 20 Under current law, the term "motorcycle" is defined to
1 21 include motor vehicles designed to travel on not more than
1 22 three wheels. The bill does not change that definition,
1 23 but allows a motorcycle designed to travel on two wheels
1 24 but equipped with detachable stabilizing rear wheels to be
1 25 operated on Iowa roads as a motorcycle. The bill states that a
1 26 motorcycle is not considered "reconstructed" solely because of
1 27 the addition of detachable stabilizing rear wheels.

LSB 1571HV (1) 84

dea/nh



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House File 291 - Introduced

HOUSE FILE

BY PEARSON, BRANDENBURG,
WINDSCHITL, SCHULTZ,
MASSIE, ALONS, SHAW,
ROGERS, SANDS,
HUSEMAN, DRAKE,
BYRNES, CHAMBERS,
WAGNER, HELLAND,
HAGENOW, J. TAYLOR,
DOLECHECK, TJEPKES,
RAYHONS, J. SMITH,
GARRETT, HANUSA, and
SWEENEY

(COMPANION TO lsb
1527ss by sorenson)

A BILL FOR

1 An Act relating to the carrying of weapons including provisions
2 relating to permits to carry weapons and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1527HH (11) 84
rh/rj



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1 1 Section 1. Section 80A.13, Code 2011, is amended to read as
1 2 follows:

1 3 80A.13 Campus weapon requirements.

1 4 An individual employed by a college or university, or by a
1 5 private security business holding a contract with a college or
1 6 university, who performs private security duties on a college
1 7 or university campus and who carries a weapon while performing
1 8 these duties shall ~~meet all of the following requirements:~~

1 9 ~~1. File with the sheriff of the county in which the campus~~
~~1 10 is located evidence that the individual has successfully~~
~~1 11 completed an approved firearms training program under section~~
~~1 12 724.9. This requirement does not apply to armored car~~
~~1 13 personnel.~~

1 14 ~~2. Possess a permit to carry weapons issued by the sheriff~~
~~1 15 of the county in which the campus is located under sections~~
~~1 16 724.6 through 724.11. This requirement does not apply to~~
~~1 17 armored car personnel.~~

1 18 ~~3. File~~ file with the sheriff of the county in which the
1 19 campus is located a sworn affidavit from the employer outlining
1 20 the nature of the duties to be performed and justification of
1 21 the need to go armed.

1 22 Sec. 2. Section 724.4, Code 2011, is amended to read as
1 23 follows:

1 24 724.4 Carrying weapons.

1 25 ~~1. Except as otherwise provided in this section, a person~~
~~1 26 who goes armed with a dangerous weapon concealed on or about~~
~~1 27 the person, or who, within the limits of any city, goes~~
~~1 28 armed with a pistol or revolver, or any loaded firearm of~~
~~1 29 any kind, whether concealed or not, or who knowingly carries~~
~~1 30 or transports in a vehicle a pistol or revolver, commits~~
~~1 31 an aggravated misdemeanor. A person who goes armed with a~~
1 32 dangerous weapon with the intent to commit a crime of violence
1 33 commits a class "D" felony. This subsection applies regardless
1 34 of whether the dangerous weapon is concealed or not concealed
1 35 on or about the person and regardless of whether the dangerous



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2 1 weapon is transported in a vehicle. For purposes of this
2 2 subsection, "crime of violence" means a felony which has, as an
2 3 element of the offense, the use of physical force by one person
2 4 against another person.

2 5 2. A person who goes armed with a knife concealed on
2 6 or about the person, if the person uses the knife in the
2 7 commission of a crime, commits an aggravated misdemeanor.

2 8 3. A person who goes armed with a knife concealed on or
2 9 about the person, if the person does not use the knife in the
2 10 commission of a crime:

2 11 a. If the knife has a blade exceeding eight inches in
2 12 length, commits an aggravated misdemeanor.

2 13 b. If the knife has a blade exceeding five inches but
2 14 not exceeding eight inches in length, commits a serious
2 15 misdemeanor.

2 16 4. Subsections 1 through 3 do not apply to any of the
2 17 following:

2 18 a. A person who for any lawful purpose goes armed with
2 19 a dangerous weapon in the person's own dwelling or place of
2 20 business, or on land owned or possessed by the person.

2 21 b. A peace officer, when the officer's duties require the
2 22 person to carry such weapons.

2 23 ~~c. A member of the armed forces of the United States or~~
~~2 24 of the national guard or person in the service of the United~~
~~2 25 States, when the weapons are carried in connection with the~~
~~2 26 person's duties as such.~~

2 27 ~~d. A correctional officer, when the officer's duties~~
~~2 28 require, serving under the authority of the Iowa department of~~
~~2 29 corrections.~~

2 30 ~~e. c.~~ c. A person who for any lawful purpose carries an
2 31 unloaded pistol, revolver, or other dangerous weapon inside a
2 32 closed and fastened container or securely wrapped package which
2 33 is too large to be concealed on the person.

2 34 ~~f. A person who for any lawful purpose carries or transports~~
~~2 35 an unloaded pistol or revolver in a vehicle inside a closed~~



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~~3 1 and fastened container or securely wrapped package which is~~
~~3 2 too large to be concealed on the person or inside a cargo~~
~~3 3 or luggage compartment where the pistol or revolver will not~~
~~3 4 be readily accessible to any person riding in the vehicle or~~
~~3 5 common carrier.~~
3 6 ~~g.~~ A person while the person is lawfully engaged in target
~~3 7 practice on a range designed for that purpose or while actually~~
~~3 8 engaged in lawful hunting.~~
3 9 ~~h.~~ d. A person who carries a knife used in hunting or
3 10 fishing, while actually engaged in lawful hunting or fishing.
3 11 ~~i.~~ A person who has in the person's possession and who
~~3 12 displays to a peace officer on demand a valid permit to carry~~
~~3 13 weapons which has been issued to the person, and whose conduct~~
~~3 14 is within the limits of that permit. A person shall not be~~
~~3 15 convicted of a violation of this section if the person produces~~
~~3 16 at the person's trial a permit to carry weapons which was valid~~
~~3 17 at the time of the alleged offense and which would have brought~~
~~3 18 the person's conduct within this exception if the permit had~~
~~3 19 been produced at the time of the alleged offense.~~
3 20 ~~j.~~ e. A law enforcement officer from another state when the
3 21 officer's duties require the officer to carry the weapon and
3 22 the officer is in this state for any of the following reasons:
3 23 (1) The extradition or other lawful removal of a prisoner
3 24 from this state.
3 25 (2) Pursuit of a suspect in compliance with chapter 806.
3 26 (3) Activities in the capacity of a law enforcement officer
3 27 with the knowledge and consent of the chief of police of the
3 28 city or the sheriff of the county in which the activities occur
3 29 or of the commissioner of public safety.
3 30 ~~k.~~ f. A person engaged in the business of transporting
3 31 prisoners under a contract with the Iowa department of
3 32 corrections or a county sheriff, a similar agency from another
3 33 state, or the federal government.
3 34 Sec. 3. Section 724.4B, subsection 2, paragraph a, Code
3 35 2011, is amended to read as follows:



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4 1 a. A person listed under section 724.4, subsection 4,
4 2 ~~paragraphs~~ paragraph "b" through "f", "c", or "j" "e".
4 3 Sec. 4. Section 724.6, Code 2011, is amended to read as
4 4 follows:
4 5 724.6 Professional permit to carry weapons.
4 6 ~~1. A person may be issued a permit to carry weapons~~
4 7 ~~when the person's employment who is employed in a private~~
4 8 ~~investigation business or private security business licensed~~
4 9 ~~under chapter 80A, or a person's employment as a peace officer,~~
4 10 ~~correctional officer, security guard, bank messenger or other~~
4 11 ~~person transporting property of a value requiring security,~~
4 12 ~~or in police work, whose employment reasonably justifies that~~
4 13 ~~person going armed, shall not, as a condition of employment,~~
4 14 ~~be required to obtain a permit to carry weapons under this~~
4 15 ~~section but shall be issued a permit to carry weapons under~~
4 16 ~~this section if the person chooses to apply for the permit~~
4 17 ~~and meets the requirements of sections 724.8 through 724.10.~~
4 18 The permit shall be on a form prescribed and published by the
4 19 commissioner of public safety, shall identify the holder,
4 20 and shall state the nature of the employment requiring the
4 21 holder to go armed. A permit so issued, other than to a peace
4 22 officer, shall authorize state that the person to whom it is
4 23 issued is authorized to go armed anywhere in the state, ~~only~~
4 24 while engaged in the employment, and while going to and from
4 25 the place of the employment. A permit issued to a certified
4 26 peace officer shall authorize state that the peace officer is
4 27 authorized to go armed anywhere in the state at all times.
4 28 Permits shall expire ~~twelve months~~ five years after the date
4 29 when issued except that permits issued to peace officers and
4 30 correctional officers are valid through the officer's period of
4 31 employment unless otherwise canceled. When the employment is
4 32 terminated, the holder of the permit shall surrender it to the
4 33 issuing officer for cancellation.
4 34 ~~2. Notwithstanding subsection 1, fire fighters, as defined~~
4 35 ~~in section 411.1, subsection 10, airport fire fighters included~~



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~~5 1 under section 97B.49B, and emergency medical care providers,~~
~~5 2 as defined in section 147A.1, shall not, as a condition of~~
~~5 3 employment, be required to obtain a permit under this section.~~
~~5 4 However, the provisions of this subsection shall not apply to a~~
~~5 5 person designated as an arson investigator by the chief fire~~
~~5 6 officer of a political subdivision.~~
5 7 Sec. 5. Section 724.7, subsection 1, Code 2011, is amended
5 8 to read as follows:
5 9 1. ~~Any~~ A person who is not ~~disqualified under section 724.8,~~
~~5 10 otherwise prohibited from possessing or transporting a firearm~~
~~5 11 and who satisfies the training requirements of section 724.9,~~
~~5 12 and who files an application in accordance with section 724.10~~
5 13 meets the requirements in sections 724.8 through 724.10 shall
5 14 be issued a nonprofessional permit to carry weapons if the
5 15 person chooses to apply for such a permit. Such permits shall
5 16 be on a form prescribed and published by the commissioner of
5 17 public safety, which shall be readily distinguishable from
5 18 the professional permit, and shall identify the holder of the
5 19 permit. ~~Such permits shall not be issued for a particular~~
~~5 20 weapon and shall not contain information about a particular~~
~~5 21 weapon including the make, model, or serial number of the~~
~~5 22 weapon or any ammunition used in that weapon. All permits so~~
5 23 issued shall be for a period of five years and shall be valid
~~5 24 throughout the state except where the possession or carrying of~~
~~5 25 a firearm is prohibited by state or federal law.~~
5 26 Sec. 6. Section 724.8, Code 2011, is amended by striking the
5 27 section and inserting in lieu thereof the following:
5 28 724.8 Persons ineligible for permit to carry weapons.
5 29 An applicant for a permit to carry a weapon pursuant to
5 30 section 724.6 or 724.7 who is otherwise prohibited by state or
5 31 federal law from possessing or transporting a firearm shall not
5 32 be eligible for a permit to carry weapons.
5 33 Sec. 7. Section 724.9, Code 2011, is amended by striking the
5 34 section and inserting in lieu thereof the following:
5 35 724.9 Firearm training program.



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6 1 A training program to qualify persons in the safe use of
6 2 firearms shall be provided by the issuing officer of permits,
6 3 as provided in section 724.11. The county sheriff or the
6 4 commissioner of public safety conducting the training program
6 5 within their respective jurisdictions shall contract with a
6 6 private individual or a professional organization who shall
6 7 conduct the training consistent with the standards set forth
6 8 by the national rifle association to provide such training.
6 9 Any person eligible to be issued a permit to carry weapons
6 10 may enroll in such course. A fee sufficient to cover the
6 11 cost of the program may be charged to each person attending.
6 12 Certificates of completion, on a form prescribed and published
6 13 by the commissioner of public safety, shall be issued to each
6 14 person who successfully completes the program. A person shall
6 15 not be issued either a professional or nonprofessional permit
6 16 unless the person has received a certificate of completion
6 17 or is a certified peace officer. An applicant shall not be
6 18 required to shoot any weapon as a provision of passing a
6 19 training program pursuant to this section.

6 20 Sec. 8. Section 724.11, Code 2011, is amended to read as
6 21 follows:

6 22 724.11 Issuance of permit to carry weapons.

6 23 1. ~~Applications~~ An application for permits a permit to
6 24 carry weapons shall, if made, be made to the sheriff of the
6 25 county in which the applicant resides. Applications for
6 26 professional permits to carry weapons for persons who are
6 27 nonresidents of the state, or whose need to go armed arises
6 28 out of employment by the state, if made, shall be made to the
6 29 commissioner of public safety. In either case, the sheriff
6 30 or commissioner, before issuing the permit, shall determine
6 31 that the requirements of sections 724.6 to 724.10 have been
6 32 satisfied and the applicant is not otherwise prohibited
6 33 by state or federal law from possessing or transporting a
6 34 firearm. However, for renewal of a permit the training program
~~6 35 requirements in section 724.9, subsection 1, shall apply~~



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~~7 1 or the renewal applicant may choose to qualify on a firing~~
~~7 2 range under the supervision of an instructor certified by the~~
~~7 3 national rifle association or the department of public safety~~
~~7 4 or another state's department of public safety, state police~~
~~7 5 department, or similar certifying body. Such training or~~
~~7 6 qualification must occur within the twelve-month period prior~~
~~7 7 to the expiration of the applicant's current permit.~~
7 8 ~~2.~~ 2. Neither the sheriff nor the commissioner shall require an
~~7 9 applicant for a permit to carry weapons to provide information~~
~~7 10 identifying a particular weapon in the application including~~
~~7 11 the make, model, or serial number of the weapon or any~~
~~7 12 ammunition used in that particular weapon.~~
7 13 ~~3.~~ 2. The issuing officer shall collect a fee of fifty
7 14 dollars, except from a duly appointed peace officer or
7 15 correctional officer, for each permit issued. Renewal permits
7 16 or duplicate permits shall be issued for a fee of ~~twenty-five~~
~~7 17 five dollars, provided the application for such renewal permit~~
~~7 18 is received by the issuing officer at least thirty days prior~~
~~7 19 to the expiration of the applicant's current permit. The~~
7 20 issuing officer shall notify the commissioner of public safety
7 21 of the issuance of any permit at least monthly and forward to
7 22 the commissioner an amount equal to ~~ten~~ two dollars for each
7 23 permit issued and ~~five dollars~~ one dollar for each renewal
7 24 or duplicate permit issued. All such fees received by the
7 25 commissioner shall be paid to the treasurer of state and
7 26 deposited in the operating account of the department of public
7 27 safety to offset the cost of administering this chapter.
~~7 28 Notwithstanding section 8.33, any~~ Any unspent balance as of
7 29 June 30 of each year shall ~~not~~ revert to the general fund of the
7 30 state as provided in section 8.33.
7 31 ~~4.~~ 3. The sheriff or commissioner of public safety shall
7 32 approve or deny an initial or renewal application submitted
7 33 under this section within ~~thirty~~ three business days of
7 34 receipt of the application and, if approved, shall issue the
7 35 permit. A person whose application for a permit under this



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8 1 chapter is denied may seek review of the denial under section
8 2 724.21A. The failure to approve or deny an initial or renewal
8 3 application shall result in a decision of approval.

8 4 Sec. 9. REPEAL. Section 724.5, Code 2011, is repealed.

8 5 EXPLANATION

8 6 This bill relates to the carrying of weapons and providing
8 7 a penalty.

8 8 Current law provides that a person who goes armed with a
8 9 dangerous weapon concealed on or about the person, or who,
8 10 within the limits of any city, goes armed with a pistol or
8 11 revolver, or any loaded firearm of any kind, whether concealed
8 12 or not, or who knowingly carries or transports in a vehicle a
8 13 pistol or revolver, commits an aggravated misdemeanor unless
8 14 certain circumstances apply including if the person has in
8 15 the person's possession a valid permit to carry weapons. The
8 16 bill eliminates this provision and provides that a person who
8 17 goes armed with a dangerous weapon with the intent to commit
8 18 a crime of violence commits a class "D" felony regardless of
8 19 whether the dangerous weapon is concealed or not concealed on
8 20 or about the person and regardless of whether the dangerous
8 21 weapon is transported in a vehicle. For purposes of the
8 22 bill, "crime of violence" means a felony which has, as an
8 23 element of the offense, the use of physical force by one person
8 24 against another person. A class "D" felony is punishable by
8 25 confinement for no more than five years and a fine of at least
8 26 \$750 but not more than \$7,500.

8 27 The bill eliminates the requirement that a person, including
8 28 a person employed in a certain occupation whose employment
8 29 reasonably justifies that person going armed with a dangerous
8 30 weapon, must have and carry a professional or nonprofessional
8 31 permit to carry a weapon and makes it optional to apply for and
8 32 receive such permits. However, if a person applies for either
8 33 permit, the issuing officer (sheriff or commissioner of public
8 34 safety) shall issue the permit if certain requirements are met.
8 35 Such permits shall be issued for a five-year period at a cost



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9 1 of \$50. If a person chooses to apply for a professional or
9 2 nonprofessional permit to carry weapons, the person is required
9 3 to complete a firearm training program conducted by a private
9 4 individual or a professional organization who shall conduct
9 5 the training consistent with the standards set forth by the
9 6 national rifle association.

9 7 The bill makes changes to current requirements relating to a
9 8 person's eligibility to apply for a permit to carry weapons,
9 9 firearms training requirements, and the issuance of permits
9 10 to carry weapons. The bill provides that an applicant for a
9 11 professional or nonprofessional permit to carry weapons who is
9 12 otherwise prohibited by state or federal law from possessing
9 13 or transporting a firearm shall not be eligible for the
9 14 permit. The bill provides that the issuing officer (county
9 15 sheriff or the commissioner of public safety) conducting
9 16 a firearm training program is required to contract with a
9 17 private individual or a professional organization to conduct
9 18 the training consistent with the standards set forth by the
9 19 national rifle association. Any person eligible to be issued
9 20 a permit to carry weapons may enroll in such course. A fee
9 21 sufficient to cover the cost of the program may be charged to
9 22 each person attending. A person shall not be issued either a
9 23 professional or nonprofessional permit unless the person has
9 24 received a certificate of completion or is a certified peace
9 25 officer. An applicant shall not be required to shoot any
9 26 weapon as a provision of passing such a training program. The
9 27 bill also reduces fees collected for renewal permits as well
9 28 as certain processing fees. The bill changes the period of
9 29 time that an issuing officer has to approve or deny an initial
9 30 or renewal application from within 30 days of receipt of the
9 31 application to within three business days of receipt of the
9 32 application.

9 33 The bill also repeals Code section 724.5 relating to a
9 34 person's duty to carry a weapons permit if the person goes
9 35 armed with a revolver, pistol, or pocket billy concealed upon



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10 1 the person, currently a simple misdemeanor.
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HOUSE FILE
BY DOLECHECK

A BILL FOR

1 An Act relating to requests for agency action involving rules
2 affecting livestock production, and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 17A.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 3. To the extent that a provision in this
1 4 section conflicts with a provision in section 17A.7A, the
1 5 provision in section 17A.7A prevails.
1 6 Sec. 2. NEW SECTION. 17A.7A Petition for adoption of rules
1 7 and request for review of rules === livestock production.
1 8 1. As used in this section, "regulatory burden" includes
1 9 but is not limited to an issue affecting the health, treatment,
1 10 or use of livestock; a condition or activity occurring on land
1 11 used for the production of livestock, including but not limited
1 12 to the breeding, care, feeding, or housing of livestock; manure
1 13 management; or the disposal of a livestock carcass.
1 14 2. This section applies to a request for an agency action
1 15 submitted pursuant to section 17A.7, relating to the regulatory
1 16 burden placed upon a livestock producer, including a petition
1 17 to an agency requesting the adoption, amendment, or repeal
1 18 of a rule or a written request to the administrative rules
1 19 coordinator for an agency to conduct a formal review of a rule
1 20 of that agency. The administrative rules coordinator may
1 21 submit a request made under this section to the agency for a
1 22 decision.
1 23 3. The request shall be denied within the time period set
1 24 out in section 17A.7, if all of the following apply:
1 25 a. It is more likely than not that any action to adopt,
1 26 amend, or repeal a rule resulting from the petition or review
1 27 would increase the regulatory burden placed upon a livestock
1 28 producer.
1 29 b. The request is not accompanied by credible data. In
1 30 order to be credible, data must include facts, measurements,
1 31 or statistics that are collected and analyzed using objective
1 32 methods that are generally scientifically accepted. Data is
1 33 not credible if an agency would not rely upon it alone to
1 34 adopt, amend, or repeal a rule.
1 35 4. This section applies notwithstanding any contrary



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2 1 provision in section 17A.7.

2 2 5. This section does not apply if the agency or
2 3 administrative rules coordinator determines that an action to
2 4 adopt, amend, or repeal a rule resulting from the petition
2 5 or review would substantially decrease the regulatory burden
2 6 placed upon a livestock producer and any increase in the
2 7 regulatory burden placed upon the livestock producer would be
2 8 minimal.

2 9 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 10 immediate importance, takes effect upon enactment.

2 11 EXPLANATION

2 12 REQUESTS FOR AGENCY ACTION. The "Iowa Administrative
2 13 Procedure Act" allows a person to submit a request for agency
2 14 action to adopt, amend, or repeal a rule (Code section 17A.7).
2 15 The request may be in the form of a petition submitted to the
2 16 agency. Generally, the agency must either deny the request
2 17 or initiate rulemaking procedures. A request may also be
2 18 submitted by a person, association, agency, or political
2 19 subdivision to the administrative rules coordinator to order
2 20 the agency to conduct a review and determine whether a rule
2 21 should be amended or repealed or a new rule adopted.

2 22 REQUESTS INVOLVING LIVESTOCK PRODUCTION. This bill provides
2 23 special procedures for a request that would increase the
2 24 regulatory burden placed upon a livestock producer. In that
2 25 case, the agency or administrative rules coordinator must deny
2 26 the request unless it is accompanied by credible data collected
2 27 and analyzed using generally accepted scientific methods. The
2 28 bill provides that the administrative rules coordinator may
2 29 defer the decision to the agency. The bill's provisions do not
2 30 apply even if the agency or administrative rules coordinator
2 31 determines that there would be an increase in the regulatory
2 32 burden, so long as the increase would be minimal and would be
2 33 offset by a substantial decrease in the livestock producer's
2 34 regulatory burden.

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HOUSE FILE
BY DEYOE

A BILL FOR

1 An Act relating to a tax credit for the promotion of biodiesel
2 blended fuel, and including effective date and applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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1 1 Section 1. Section 422.11P, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 1A. For purposes of this section, biodiesel
1 4 fuel shall be classified in the same manner as provided in
1 5 section 214A.2.

1 6 Sec. 2. Section 422.11P, subsection 2, paragraph a,
1 7 subparagraph (2), Code 2011, is amended by striking the
1 8 subparagraph.

1 9 Sec. 3. Section 422.11P, subsection 2, paragraph b, Code
1 10 2011, is amended to read as follows:

1 11 b. The tax credit shall apply to biodiesel blended fuel
1 12 ~~formulated with a minimum percentage of two percent by volume~~
1 13 ~~of biodiesel classified as B=10 or higher, if the formulation~~
1 14 ~~biodiesel blended fuel meets the standards provided in~~
1 15 ~~requirements for that classification as provided in section~~
1 16 214A.2.

1 17 Sec. 4. Section 422.11P, subsection 3, Code 2011, is amended
1 18 to read as follows:

1 19 ~~3.a. The tax credit shall be calculated separately for~~
1 20 ~~each retail motor fuel site operated by the retail dealer.~~

1 21 ~~b.~~ The amount of the tax credit is three ten cents
1 22 multiplied by the total number of gallons of biodiesel blended
1 23 fuel sold and dispensed by the retail dealer through all motor
1 24 fuel pumps located at a retail motor fuel site operated by the
1 25 retail dealer during the retail dealer's tax year.

1 26 Sec. 5. Section 422.11P, subsection 6, Code 2011, is amended
1 27 to read as follows:

1 28 6. This section is repealed January 1, 2012 2015.

1 29 Sec. 6. Section 422.33, subsection 11C, paragraph c, Code
1 30 2011, is amended by striking the paragraph.

1 31 Sec. 7. Section 422.33, subsection 11C, paragraph d, Code
1 32 2011, is amended to read as follows:

1 33 d. This subsection is repealed on January 1, 2012 2015.

1 34 Sec. 8. EFFECTIVE DATE. This Act takes effect January 1,
1 35 2012.



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1 Sec. 9. APPLICABILITY DATE. The sections of this Act
2 amending section 422.11P, and section 422.33, subsection 11C,
3 apply to tax years beginning on or after January 1, 2012.

4 Sec. 10. TAX CREDIT AVAILABILITY. Notwithstanding 2006
5 Iowa Acts, chapter 1142, section 49, the following shall apply:

6 1. For a retail dealer who may claim a biodiesel blended
7 fuel tax credit under section 422.11P or 422.33, subsection
8 11C, as amended in this Act, in calendar year 2012 and whose
9 tax year ends before December 31, 2012, the retail dealer may
10 claim the tax credit during the period beginning January 1,
11 2012, and ending on the last day of the retail dealer's tax
12 year.

13 2. For a retail dealer who may claim a biodiesel blended
14 fuel tax credit under section 422.11P or 422.33, subsection
15 11C, as amended in this Act, in calendar year 2014 and whose
16 tax year ends before December 31, 2014, the retail dealer
17 may continue to claim the tax credit in the retail dealer's
18 following tax year. In that case, the tax credit shall be
19 calculated in the same manner as provided in section 422.11P
20 or 422.33, subsection 11C, as amended in this Act, for the
21 remaining period beginning on the first day of the retail
22 dealer's tax year until December 31, 2014. For that remaining
23 period, the tax credit shall be calculated in the same manner
24 as a retail dealer whose tax year began on the previous January
25 1 and who is calculating the tax credit on December 31, 2014.

26 EXPLANATION

27 GENERAL. This bill provides tax credits for the promotion
28 of biodiesel used in the manufacture of motor fuel which
29 is a blend of diesel fuel and biodiesel (biodiesel blended
30 fuel). The tax credit was enacted by the general assembly in
31 2006 as part of H.F. 2754 and applied retroactively to tax
32 years beginning on and after January 1, 2006 (2006 Iowa Acts,
33 ch. 1142). Biodiesel fuel is designated B=xx where "xx" is
34 the volume percent of biodiesel (Code section 214A.2). For
35 example, all biodiesel blended fuel must be classified as B=1



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3 1 or higher; meaning at least 1 percent of biodiesel blended fuel
3 2 by volume must be biodiesel. The provisions of the bill are
3 3 administered by the department of revenue.

3 4 A retail dealer who sells and dispenses diesel fuel from a
3 5 motor fuel pump is eligible for a biodiesel blended fuel tax
3 6 credit. The tax credit is multiplied by taking a constant rate
3 7 of 3 cents multiplied by the number of gallons of B=2 or higher
3 8 sold and dispensed. The tax credit is due to expire on January
3 9 1, 2012.

3 10 The bill eliminates an eligibility requirement specifying
3 11 that the retail dealer must sell and dispense 50 percent or
3 12 more biodiesel blended fuel during the tax year. It increases
3 13 the minimum biodiesel classification from B=2 to B=10. It also
3 14 eliminates a requirement that the tax credit be calculated
3 15 separately for each motor fuel site.

3 16 House File 2754 allowed a retail dealer whose tax year began
3 17 after January 1, 2006, to claim the tax credit for all of 2006,
3 18 but eliminated the tax credit on December 31, 2012. Similarly,
3 19 the bill allows the noncalendar year taxpayer to claim the tax
3 20 credit for all of 2012, but ends the tax credit for all retail
3 21 dealers on December 31, 2014.

LSB 1861YH (6) 84

da/rj



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House File 294 - Introduced

HOUSE FILE

BY DE BOEF, ALONS,
WINDSCHITL, MASSIE,
PEARSON, HUSEMAN, FRY,
SHAW, KLEIN, HANUSA,
and SCHULTZ

A BILL FOR

1 An Act providing for a credit against the individual income
2 tax for the cost of home school textbooks and instructional
3 materials and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1955YH (4) 84
tw/sc



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House File 294 - Introduced continued

PAG LIN

1 1 Section 1. Section 422.12, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. c. (1) A home school credit equal to
1 4 twenty=five percent of the amount expended for the purchase
1 5 of textbooks for each dependent receiving competent private
1 6 instruction as defined in section 299A.1.
1 7 (2) The department, when conducting an audit of a taxpayer's
1 8 return, shall also audit the home school tax credit portion of
1 9 the tax return.
1 10 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
1 11 retroactively to January 1, 2011, for tax years beginning on
1 12 or after that date.
1 13 EXPLANATION
1 14 This bill provides a tax credit equal to 25 percent of
1 15 the amount expended for the purchase of textbooks for each
1 16 dependent attending home schooling.
1 17 The bill applies retroactively to January 1, 2011, for tax
1 18 years beginning on or after that date.
LSB 1955YH (4) 84
tw/sc



Iowa General Assembly
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House File 295 - Introduced

HOUSE FILE
BY DRAKE

A BILL FOR

1 An Act relating to wastewater discharges by on=farm processing
2 operations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1037HH (6) 84
da/nh



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House File 295 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 455B.198A Wastewater discharge ====
1 2 on=farm processing.
1 3 1. As used in this section:
1 4 a. "Farm" means the land and structures used in the
1 5 production of an agricultural animal or crop as defined in
1 6 section 717A.1.
1 7 b. "Food commodity" means any commodity that is derived from
1 8 a live agricultural animal or harvested crop, both as defined
1 9 in section 717A.1, which is intended for human consumption in
1 10 its raw or processed state, and which in its raw state includes
1 11 but is not limited to milk, eggs, vegetables, fruits, nuts,
1 12 syrup, and honey.
1 13 c. "On=farm processing operation" means any place located
1 14 on a farm where the form or condition of a food commodity
1 15 originating from that farm or another farm is changed or
1 16 packaged for human consumption, including but not limited to a
1 17 dairy, creamery, winery, distillery, or cannery. The change to
1 18 the food commodity may include cleaning, cooling, pasteurizing,
1 19 purifying, or preserving the food commodity.
1 20 d. "Wastewater disposal system" means an on=site wastewater
1 21 treatment and disposal system, including a septic system and
1 22 soil absorption field, that discharges wastewater on private
1 23 property.
1 24 2. A person engaged in an on=farm processing operation who
1 25 qualifies under this subsection is exempt from the wastewater
1 26 discharge regulations provided in this chapter, and rules
1 27 relating to such regulations adopted by the department pursuant
1 28 to this chapter, for wastewater produced from the on=farm
1 29 processing operation. In order to qualify, the person must
1 30 dispose of wastewater as follows:
1 31 a. The person shall not dispose of the wastewater into
1 32 a stream, lake, pond, river, watercourse, waterway, well,
1 33 agricultural drainage well, sinkhole, spring, reservoir, or
1 34 aquifer.
1 35 b. The person shall not discharge the wastewater using land



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House File 295 - Introduced continued

2 1 application or a wastewater disposal system if any one=day
2 2 biochemical oxygen demand contributed by the wastewater exceeds
2 3 five pounds. In addition, the following applies:
2 4 (1) The wastewater shall not be land applied on the same
2 5 spot on more than one occasion within a five=day period.
2 6 (2) The wastewater shall not be discharged using a
2 7 wastewater disposal system allowed for a single=family dwelling
2 8 if the one=day biochemical oxygen demand contributed by the
2 9 wastewater exceeds one pound. Otherwise, the wastewater
2 10 disposal system may be used if approved by a professional
2 11 engineer certifying that the wastewater disposal system meets
2 12 state effluent quality requirements for a private sewage system
2 13 as provided in 567 IAC ch. 69. However, in all cases the
2 14 wastewater disposal system.
2 15 c. For purposes of this subsection, the biochemical oxygen
2 16 demand shall be determined in the manner and at the temperature
2 17 used by the department to determine biochemical oxygen demand
2 18 for pretreated effluent.
2 19 3. The department shall adopt by rule guidelines to assist
2 20 a person who owns or operates an on=farm processing operation
2 21 in determining if the exemption provided in this section is
2 22 applicable. The guidelines shall provide, at a minimum, an
2 23 estimate of the maximum number of gallons of milk or wine that
2 24 could be processed by a creamery or winery utilizing land
2 25 application or alternatively a wastewater disposal system.
2 26 4. A person engaged in an on=farm processing operation who
2 27 qualifies as a small animal feeding operation as defined in
2 28 section 459.102 may dispose of wastewater produced by the small
2 29 animal feeding operation in the same manner as manure, if any
2 30 one=day demand for the biochemical oxygen demand contributed by
2 31 the wastewater does not exceed five pounds.
2 32 5. The department may adopt rules providing additional
2 33 exemptions from the requirements of this chapter that would
2 34 otherwise apply to the disposal of wastewater generated by an
2 35 on=farm processing operation.



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House File 295 - Introduced continued

3 1 EXPLANATION
3 2 This bill provides that an on=farm processing operation
3 3 may be exempt from state regulations governing wastewater
3 4 discharge, if the waste produced by the processing operation
3 5 meets certain standards measuring "biochemical oxygen demand",
3 6 a chemical procedure which determines the amount of dissolved
3 7 oxygen in a volume of water required to break down the organic
3 8 compounds. The exemption provided in the bill would apply to
3 9 an operation that processes a food commodity produced on that
3 10 farm or another farm and includes a dairy, creamery, winery,
3 11 distillery, or cannery. The standards apply to both disposal
3 12 by land application and on=site wastewater treatment systems
3 13 including a private septic system. The bill requires the
3 14 department to adopt guidelines by rule that could be used by
3 15 creameries and wineries to determine if they qualify for the
3 16 exemption. If a person is a small animal feeding operation,
3 17 the person may dispose of the wastewater in the same manner as
3 18 manure.
3 19 The bill also authorizes the department of natural resources
3 20 to adopt rules providing further exemptions applicable to
3 21 on=farm processing operations.
LSB 1037HH (6) 84
da/nh



Iowa General Assembly
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House File 296 - Introduced

HOUSE FILE
BY HEATON and GRASSLEY

A BILL FOR

1 An Act relating to including telemedicine services as a
2 distinct covered service under the medical assistance
3 program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2098YH (5) 84
pf/nh



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House File 296 - Introduced continued

PAG LIN

1 1 Section 1. MEDICAL ASSISTANCE STATE PLAN AMENDMENT ====
1 2 TELEMEDICINE AS A DISTINCT COVERED SERVICE. The department
1 3 of human services shall submit a state plan amendment to the
1 4 centers for Medicare and Medicaid services of the United
1 5 States department of health and human services for approval
1 6 to include telemedicine as distinct covered services under
1 7 the medical assistance program. For the purposes of the
1 8 state plan amendment, "telemedicine" means the delivery and
1 9 provision of healthcare to patients and the transmission
1 10 of information related to that care, over distance, using
1 11 telecommunications technologies, and incorporating direct
1 12 clinical, preventive, diagnostic, and therapeutic services
1 13 and treatment; consultative and follow=up services; remote
1 14 monitoring; rehabilitative services; and patient education.

1 15 EXPLANATION

1 16 This bill directs the department of human services to submit
1 17 an amendment to the medical assistance (Medicaid) state plan
1 18 to the centers for Medicare and Medicaid services of the
1 19 United States department of health and human services for
1 20 approval to include telemedicine as distinct covered services
1 21 under the Medicaid program. The bill defines "telemedicine"
1 22 as the delivery and provision of healthcare to patients
1 23 and the transmission of information related to that care,
1 24 over distance, using telecommunications technologies and
1 25 incorporating direct clinical, preventive, diagnostic, and
1 26 therapeutic services and treatment; consultative and follow=up
1 27 services; remote monitoring; rehabilitative services; and
1 28 patient education.

LSB 2098YH (5) 84

pf/nh



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House File 297 - Introduced

HOUSE FILE
BY SODERBERG

(COMPANION TO SF 55)

A BILL FOR

1 An Act relating to grandparent and great=grandparent
2 visitation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2376YH (3) 84
pf/nh



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House File 297 - Introduced continued

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1 1 Section 1. Section 600C.1, Code 2011, is amended by striking
1 2 the section and inserting in lieu thereof the following:
1 3 600C.1 Grandparent and great=grandparent visitation.
1 4 1. The grandparent or great=grandparent of a minor child
1 5 may petition the court for grandchild or great=grandchild
1 6 visitation.
1 7 2. The court shall consider a fit parent's objections
1 8 to granting visitation under this section. A rebuttable
1 9 presumption arises that a fit parent's decision to deny
1 10 visitation to a grandparent or great=grandparent is in the best
1 11 interest of a minor child.
1 12 3. The court may grant visitation to the grandparent or
1 13 great=grandparent if the court finds all of the following by
1 14 clear and convincing evidence:
1 15 a. The grandparent or great=grandparent has established a
1 16 substantial relationship with the child prior to the filing of
1 17 the petition.
1 18 b. The parent who is being asked to temporarily relinquish
1 19 care, custody, and control of the child to provide visitation
1 20 is unfit to make the decision regarding visitation.
1 21 c. It is in the best interest of the child to grant such
1 22 visitation.
1 23 4. Notwithstanding the requirements of subsection
1 24 3, the court may grant visitation to the grandparent or
1 25 great=grandparent if the court finds all of the following by
1 26 clear and convincing evidence:
1 27 a. The grandparent or great=grandparent has established a
1 28 substantial relationship with the child prior to the filing of
1 29 the petition.
1 30 b. The parent is unable to provide evidence that the
1 31 grandparent or great=grandparent is unfit to be granted
1 32 visitation or that granting visitation will place the child at
1 33 risk of physical or emotional harm.
1 34 c. The relationship between the grandparent or
1 35 great=grandparent and the parent has been significantly



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2 1 impaired causing the parent to act in the parent's best
2 2 interest.
2 3 d. Granting such visitation is in the best interest of the
2 4 child.
2 5 5. For the purposes of this section, "court" means the
2 6 district court or the juvenile court if that court currently
2 7 has jurisdiction over the child in a pending action. If an
2 8 action is not pending, the district court has jurisdiction.
2 9 6. Notwithstanding any provision of this chapter to the
2 10 contrary, venue for any action to establish, enforce, or modify
2 11 visitation under this section shall be in the county where
2 12 either parent resides if no final custody order determination
2 13 relating to the grandchild or great=grandchild has been entered
2 14 by any other court. If a final custody order has been entered
2 15 by any other court, venue shall be located exclusively in the
2 16 county where the most recent final custody order was entered.
2 17 If any other custodial proceeding is pending when an action to
2 18 establish, enforce, or modify visitation under this section is
2 19 filed, venue shall be located exclusively in the county where
2 20 the pending custodial proceeding was filed.
2 21 7. Notice of any proceeding to establish, enforce, or
2 22 modify visitation under this section shall be personally served
2 23 upon all parents of a child whose interests are affected
2 24 by a proceeding brought pursuant to this section and all
2 25 grandparents or great=grandparents who have previously obtained
2 26 a final order or commenced a proceeding under this section.
2 27 8. The court shall not enter any temporary order to
2 28 establish, enforce, or modify visitation under this section.
2 29 9. An action brought under this section is subject to
2 30 chapter 598B, and in an action brought to establish, enforce,
2 31 or modify visitation under this section, each party shall
2 32 submit in its first pleading or in an attached affidavit all
2 33 information required by section 598B.209.
2 34 10. In any action brought to establish, enforce, or modify
2 35 visitation under this section, the court may award attorney



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3 1 fees to the prevailing party in an amount deemed reasonable by
3 2 the court.
3 3 11. If a proceeding to establish or enforce visitation
3 4 under this section is commenced when a dissolution of marriage
3 5 proceeding is pending concerning the parents of the affected
3 6 minor child, the record and evidence of the dissolution
3 7 action shall remain impounded pursuant to section 598.26.
3 8 The impounded information shall not be released or otherwise
3 9 made available to any person who is not the petitioner or
3 10 respondent or an attorney of record in the dissolution of
3 11 marriage proceeding. Access to the impounded information by
3 12 the attorney of record for the grandparent or great=grandparent
3 13 shall be limited to only that information relevant to the
3 14 grandparent's or great=grandparent's request for visitation.

3 15 EXPLANATION

3 16 This bill relates to granting of visitation to grandparents
3 17 or great=grandparents. The bill strikes the current provision
3 18 which limits petitioning for grandparent or great=grandparent
3 19 visitation to grandparents or great=grandparents of a minor
3 20 child when the parent of the minor child, who is the child of
3 21 the grandparent or the grandchild of the great=grandparent,
3 22 is deceased. The bill replaces the stricken language with
3 23 the prior law (Code 2009) which does not so restrict those
3 24 grandparents or great=grandparents who may petition the
3 25 court for visitation. The bill also adds a new provision
3 26 that provides, notwithstanding the requirements for granting
3 27 visitation to a grandparent or great=grandparent, the court
3 28 may grant such visitation if the court finds by clear and
3 29 convincing evidence that: the grandparent or great=grandparent
3 30 has established a substantial relationship with the child
3 31 prior to the filing of the petition; the parent is unable to
3 32 provide evidence that the grandparent or great=grandparent is
3 33 unfit to be granted visitation or that granting visitation
3 34 will place the child at risk of physical or emotional harm;
3 35 the relationship between the grandparent or great=grandparent



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4 1 and the parent has been significantly impaired causing the
4 2 parent to act in the parent's best interest; and granting such
4 3 visitation is in the best interest of the child.

LSB 2376YH (3) 84

pf/nh



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House File 298 - Introduced

HOUSE FILE

BY PETERSEN, MURPHY,
T. OLSON, KELLEY,
ISENHART, LENSING,
HUNTER, OLDSO, N,
WINCKLER, KAJTAZOVIC,
KEARNS, HANSON, LYKAM,
THOMAS, MUHLBAUER,
WESSEL=KROESCHELL,
HEDDENS, STECKMAN,
MASCHER, MCCARTHY,
ABDUL=SAMAD, M. SMITH,
GAINES, GASKILL,
COHOON, JACOBY,
KRESSIG, THEDE, and
HALL

A BILL FOR

1 An Act creating a government watchdog hotline within the office
2 of the citizens' aide.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2294YH (5) 84
jr/nh



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House File 298 - Introduced continued

PAG LIN

1 1 Section 1. Section 2C.9, Code 2011, is amended to read as
1 2 follows:
1 3 2C.9 Powers and duties.
1 4 1. The citizens' aide may:
1 5 ~~1.~~ a. Investigate, on complaint or on the citizens' aide's
1 6 own motion, any administrative action of any agency, without
1 7 regard to the finality of the administrative action, except
1 8 that the citizens' aide shall not investigate the complaint
1 9 of an employee of an agency in regard to that employee's
1 10 employment relationship with the agency except as otherwise
1 11 provided by this chapter. A communication or receipt of
1 12 information made pursuant to the powers prescribed in this
1 13 chapter shall not be considered an ex parte communication as
1 14 described in the provisions of section 17A.17.
1 15 ~~2.~~ b. Investigate, on complaint or on the citizens' aide's
1 16 own motion, any administrative action of any person providing
1 17 child welfare or juvenile justice services under contract with
1 18 an agency that is subject to investigation by the citizens'
1 19 aide. The person shall be considered to be an agency for
1 20 purposes of the citizens' aide's investigation.
1 21 ~~3.~~ c. Prescribe the methods by which complaints are to
1 22 be made, received, and acted upon; determine the scope and
1 23 manner of investigations to be made; and, subject to the
1 24 requirements of this chapter, determine the form, frequency,
1 25 and distribution of the conclusions and recommendations of the
1 26 citizens' aide.
1 27 ~~4.~~ d. Request and receive from each agency assistance
1 28 and information as necessary in the performance of the duties
1 29 of the office. Notwithstanding section 22.7, pursuant to
1 30 an investigation the citizens' aide may examine any and all
1 31 records and documents of any agency unless its custodian
1 32 demonstrates that the examination would violate federal
1 33 law or result in the denial of federal funds to the agency.
1 34 Confidential documents provided to the citizens' aide by
1 35 other agencies shall continue to maintain their confidential



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2 1 status. The citizens' aide is subject to the same policies
2 2 and penalties regarding the confidentiality of the document
2 3 as an employee of the agency. The citizens' aide may enter
2 4 and inspect premises within any agency's control and may
2 5 observe proceedings and attend hearings, with the consent of
2 6 the interested party, including those held under a provision
2 7 of confidentiality, conducted by any agency unless the agency
2 8 demonstrates that the attendance or observation would violate
2 9 federal law or result in the denial of federal funds to
2 10 that agency. This ~~subsection~~ paragraph does not permit the
2 11 examination of records or access to hearings and proceedings
2 12 which are the work product of an attorney under section 22.7,
2 13 subsection 4, or which are privileged communications under
2 14 section 622.10.

2 15 ~~5.~~ e. Issue a subpoena to compel any person to appear,
2 16 give sworn testimony, or produce documentary or other evidence
2 17 relevant to a matter under inquiry. The citizens' aide,
2 18 deputies, and assistants of the citizens' aide may administer
2 19 oaths to persons giving testimony before them. If a witness
2 20 either fails or refuses to obey a subpoena issued by the
2 21 citizens' aide, the citizens' aide may petition the district
2 22 court having jurisdiction for an order directing obedience to
2 23 the subpoena. If the court finds that the subpoena should be
2 24 obeyed, it shall enter an order requiring obedience to the
2 25 subpoena, and refusal to obey the court order is subject to
2 26 punishment for contempt.

2 27 ~~6.~~ f. Establish rules relating to the operation,
2 28 organization, and procedure of the office of the citizens'
2 29 aide. The rules are exempt from chapter 17A and shall be
2 30 published in the Iowa administrative code.

2 31 2. a. The citizens' aide shall promote the office's
2 32 existing toll-free telephone line and electronic mail address
2 33 as the "government watchdog hotline", and encourage persons to
2 34 use the hotline to report fraud, waste, and malfeasance.

2 35 b. The government watchdog hotline telephone number and



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3 1 electronic mail address shall be displayed on all state
3 2 government internet sites, at highway rest areas, at the state
3 3 fairgrounds, and in all published materials.

3 4 EXPLANATION

3 5 This bill requires the citizens' aide to designate its
3 6 toll-free telephone number and electronic mail address as the
3 7 "government watchdog hotline", and encourage persons to use
3 8 the hotline to report fraud, waste, and malfeasance. That
3 9 telephone number and electronic mail address is to be displayed
3 10 on all state government internet sites, at highway rest areas,
3 11 at the state fairgrounds, and in all published materials.

LSB 2294YH (5) 84

jr/nh



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House File 299 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 51)

A BILL FOR

1 An Act relating to the unlawful possession of or entry upon
2 specified personal and public utility property, and
3 providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2001HV (3) 84

rn/nh



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House File 299 - Introduced continued

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1 1 Section 1. NEW SECTION. 714.27 Copper theft ==== ordinance
1 2 authorized ==== penalty.
1 3 1. The governing body of a political subdivision in which
1 4 copper theft has been reported may consider the adoption
1 5 of a copper theft ordinance requiring a salvage dealer to
1 6 maintain complete, accurate, and legible records in the English
1 7 language of all purchases and receipt of salvaged materials.
1 8 Such records shall be maintained and located at the place of
1 9 business of the salvage dealer for a minimum of one year from
1 10 the date of purchase or receipt by the salvage dealer.
1 11 2. The ordinance may require a salvage dealer to maintain
1 12 one or more of the following records:
1 13 a. The identity of the person from whom the salvaged
1 14 material was received or purchased, including name and address;
1 15 date of birth; Iowa driver's license number, Iowa nonoperator's
1 16 identification card number, or social security number in
1 17 conjunction with photo identification; sex, age, height, and
1 18 race.
1 19 b. The vehicle license plate number of the vehicle that
1 20 delivered the salvaged material to the salvage dealer, if
1 21 applicable.
1 22 c. The date and hour of the purchase or receipt of the
1 23 salvaged material.
1 24 d. A reasonably accurate inventory and description of the
1 25 salvaged material obtained.
1 26 e. The value of or amount paid for the salvaged material.
1 27 f. The weight or other measurable quantity of the salvaged
1 28 material.
1 29 g. From whom and at what time and place the salvaged
1 30 material was obtained by the person from whom it was purchased
1 31 or received, if known.
1 32 h. The date and manner of disposition by the salvage dealer
1 33 of the salvaged material by each article or in bulk.
1 34 i. The name and address of the person to whom the salvaged
1 35 material was sold or otherwise disposed of.



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2 1 3. a. (1) In the event that a political subdivision issues
2 2 a license or permit to a salvage dealer for the operation of a
2 3 salvage business, the ordinance may provide for the suspension,
2 4 revocation, or nonrenewal of the license or permit in the event
2 5 the ordinance is violated by the salvage dealer. A suspension,
2 6 revocation, or nonrenewal shall not take effect without notice
2 7 delivered to the licensee or permittee in the regular mail
2 8 addressed to the licensee or permittee at the licensed premises
2 9 a minimum of ten days prior to a date set for hearing before
2 10 a magistrate or district associate judge. The notice shall
2 11 inform the licensee or permittee of the time, date, and place
2 12 of hearing, the purpose of the hearing, and shall set out
2 13 briefly the reasons for the hearing.

2 14 (2) A decision regarding whether to suspend or revoke
2 15 a license or permit, or deny its renewal, shall be at the
2 16 discretion of the magistrate or district associate judge,
2 17 based upon the circumstances surrounding the violation and its
2 18 severity.

2 19 (3) A licensee or permittee whose license or permit or
2 20 renewal has been revoked or denied because of a violation of
2 21 this section shall not be eligible for another such license
2 22 or permit for a period of one hundred eighty days after the
2 23 revocation or denial.

2 24 b. In the event a political subdivision does not issue a
2 25 license or permit to a salvage dealer for the operation of a
2 26 salvage business, the ordinance may provide for such penalty
2 27 provision as the governing body of the political subdivision
2 28 may deem appropriate.

2 29 Sec. 2. Section 716.7, subsection 2, Code 2011, is amended
2 30 by adding the following new paragraph:

2 31 NEW PARAGRAPH. f. Entering or remaining upon or in public
2 32 utility property without lawful authority or without the
2 33 consent of the public utility that owns, leases, or operates
2 34 the public utility property. This paragraph does not apply
2 35 to passage over public utility right-of-way by an unarmed



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3 1 person if the person has not been notified or requested by
3 2 posted signage or other means to abstain from entering onto the
3 3 right-of-way or to vacate the right-of-way.

3 4 Sec. 3. Section 716.7, subsection 3, Code 2011, is amended
3 5 to read as follows:

3 6 3. The term "trespass" shall not mean entering upon the
3 7 property of another for the sole purpose of retrieving personal
3 8 property which has accidentally or inadvertently been thrown,
3 9 fallen, strayed, or blown onto the property of another,
3 10 provided that the person retrieving the property takes the most
3 11 direct and accessible route to and from the property to be
3 12 retrieved, quits the property as quickly as is possible, and
3 13 does not unduly interfere with the lawful use of the property.
3 14 This subsection does not apply to public utility property where
3 15 the person has been notified or requested by posted signage or
3 16 other means to abstain from entering.

3 17 Sec. 4. Section 716.7, Code 2011, is amended by adding the
3 18 following new subsection:

3 19 NEW SUBSECTION. 5A. For purposes of this section,
3 20 "public utility property" means any land, dwelling, building,
3 21 conveyance, vehicle, or other temporary or permanent structure
3 22 owned, leased, or operated by a public utility and that is
3 23 completely enclosed by a physical barrier of any kind. For the
3 24 purposes of this section, a "public utility" is a public utility
3 25 as defined in section 476.1 or an electric transmission line as
3 26 provided in chapter 478.

3 27 Sec. 5. Section 716.7, subsection 6, Code 2011, is amended
3 28 by adding the following new paragraphs:

3 29 NEW PARAGRAPH. d. Representatives of the Iowa utilities
3 30 board, the federal energy regulatory commission, or the federal
3 31 communications commission who enter or remain upon or in public
3 32 utility property while engaged in the performance of official
3 33 duties.

3 34 NEW PARAGRAPH. e. Employees of a public utility who enter
3 35 or remain upon or in public utility property while acting in



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4 1 the course of employment.

4 2 Sec. 6. Section 716.8, subsection 2, Code 2011, is amended
4 3 to read as follows:

4 4 2. Any person committing a trespass as defined in section
4 5 716.7, other than a trespass as defined in section 716.7,
4 6 subsection 2, paragraph "f", which results in injury to any

4 7 person or damage in an amount more than two hundred dollars
4 8 to anything, animate or inanimate, located thereon or therein
4 9 commits a serious misdemeanor.

4 10 Sec. 7. Section 716.8, Code 2011, is amended by adding the
4 11 following new subsection:

4 12 NEW SUBSECTION. 6. Any person who commits a trespass as
4 13 defined in section 716.7, subsection 2, paragraph "f", commits a
4 14 class "D" felony.

4 15 EXPLANATION

4 16 This bill concerns the unlawful possession of or entry upon
4 17 specified personal and public utility property.

4 18 The bill creates an optional copper theft ordinance which
4 19 a political subdivision experiencing copper theft may adopt.

4 20 The ordinance would require a salvage dealer to maintain
4 21 complete, accurate, and legible records in the English
4 22 language of all purchases and receipt of salvaged materials.

4 23 The bill specifies a variety of different records which the
4 24 political subdivision may opt to include in the ordinance.

4 25 The bill provides that the records would be retained by the
4 26 dealer at the dealer's place of business for a minimum of

4 27 one year from the date of purchase or receipt. The bill

4 28 provides that if a political subdivision which adopts an
4 29 ordinance issues a license or permit to a salvage dealer,

4 30 the ordinance may provide for the suspension, revocation, or
4 31 nonrenewal of the license or permit in the event the ordinance

4 32 is violated. Notice and hearing provisions are specified,

4 33 and the determination as to whether to suspend or revoke

4 34 a license or permit, or deny its renewal, is left up to a

4 35 magistrate or district associate judge presiding over the



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5 1 hearing. The bill states that if a political subdivision which
5 2 adopts an ordinance does not issue a license or permit to a
5 3 salvage dealer, the ordinance may provide for such penalties
5 4 as the governing body of the political subdivision may deem
5 5 appropriate.

5 6 The bill also incorporates trespassing onto public utility
5 7 property into the definition of "trespass" provided in Code
5 8 section 716.7. The bill defines "public utility property" as
5 9 any land, dwelling, building, conveyance, vehicle, or other
5 10 temporary or permanent structure owned, leased, or operated by
5 11 a public utility and that is completely enclosed by a physical
5 12 barrier of any kind. The bill defines a "public utility" to
5 13 include a public utility as defined in Code section 476.1,
5 14 which would include furnishing gas, electricity, communications
5 15 services, or water to the public for compensation, and an
5 16 electric transmission line as provided in Code chapter 478.

5 17 The bill provides that the term "trespass" includes entering
5 18 or remaining upon or in public utility property without lawful
5 19 authority or without the consent of the public utility. The
5 20 bill provides an exception for passage over a public utility
5 21 right-of-way by an unarmed person if the person has not been
5 22 notified or requested by posted signage or other means to
5 23 abstain from entering onto the right-of-way or to vacate the
5 24 right-of-way. Similar provisions are contained in Code section
5 25 716.7 with regard to railway property.

5 26 The bill provides that an exception to the term "trespass"
5 27 for entering upon the property of another for the sole purpose
5 28 of retrieving personal property under specified circumstances
5 29 shall not apply to public utility property where the person has
5 30 been notified or requested by posted signage or other means to
5 31 abstain from entering.

5 32 The bill adds the Iowa utilities board, the federal energy
5 33 regulatory commission, the federal communications commission,
5 34 and public utility employees, when acting in the course of
5 35 their official duties, to a list of entities and individuals to



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6 1 whom the trespass provisions do not apply.
6 2 The bill provides that any person who violates the criminal
6 3 trespass provisions commits a class "D" felony. A class "D"
6 4 felony is punishable by confinement for no more than five years
6 5 and a fine of at least \$750 but not more than \$7,500.
LSB 2001HV (3) 84
rn/nh



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House File 300 - Introduced

HOUSE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HSB 56)

A BILL FOR

1 An Act relating to the assessment of certain subdivided real
2 property and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1901HV (2) 84
md/sc



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House File 300 - Introduced continued

PAG LIN

1 1 Section 1. Section 405.1, Code 2011, is amended to read as
1 2 follows:
1 3 405.1 Housing development ==== tax status ==== limitation.
1 4 ~~1. The board of supervisors of a county with a population~~
~~1 5 of less than twenty thousand may adopt an ordinance providing~~
1 6 that property acquired and subdivided for development of
1 7 housing shall continue to be assessed for taxation in the
1 8 manner that it was prior to the acquisition for housing. Each
1 9 lot shall continue to be taxed in the manner it was prior
1 10 to its acquisition for housing until the lot is sold for
1 11 construction or occupancy of housing ~~or five years from the~~
~~1 12 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 13 the expiration of the five-year period, the property shall be~~
~~1 14 assessed for taxation as residential or commercial multifamily~~
~~1 15 property, whichever is applicable.~~
1 16 2. The board of supervisors of a county with a population
~~1 17 of twenty thousand or more may adopt an ordinance providing~~
~~1 18 that property acquired and subdivided for development of~~
~~1 19 housing shall continue to be assessed for taxation in the~~
~~1 20 manner that it was prior to the acquisition for housing. Each~~
~~1 21 lot shall continue to be taxed in the manner it was prior~~
~~1 22 to its acquisition for housing until the lot is sold for~~
~~1 23 construction or occupancy of housing or three years from the~~
~~1 24 date of subdivision, whichever is shorter. Upon the sale or~~
~~1 25 the expiration of the three-year period, the property shall be~~
~~1 26 assessed for taxation as residential or commercial multifamily~~
~~1 27 property, whichever is applicable.~~
1 28 Sec. 2. Section 441.72, Code 2011, is amended to read as
1 29 follows:
1 30 441.72 Assessment of platted lots.
1 31 When a subdivision plat is recorded pursuant to chapter
1 32 354, the individual lots within the subdivision plat shall
1 33 not be assessed in excess of the total assessment of the land
1 34 as acreage or unimproved property ~~for three years after the~~
~~1 35 recording of the plat or until the lot is actually improved~~



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2 1 with permanent construction, ~~whichever occurs first~~. When an
2 2 individual lot has been improved with permanent construction,
2 3 the lot shall be assessed for taxation purposes as provided in
2 4 chapter 428 and this chapter. This section does not apply to
2 5 special assessment levies.
2 6 Sec. 3. APPLICABILITY. This Act applies to assessment years
2 7 beginning on or after January 1, 2012.

2 8 EXPLANATION

2 9 Currently, a platted lot for which a subdivision plat has
2 10 been recorded will be assessed for property tax purposes as
2 11 acreage or unimproved property for three years or until the lot
2 12 is actually improved with permanent construction, whichever
2 13 occurs first. This bill removes the three-year time limit and
2 14 provides that a platted lot will be assessed as acreage or
2 15 unimproved property until the lot is actually improved with
2 16 permanent construction.

2 17 The bill also repeals a provision that allowed a county of
2 18 20,000 or more to adopt an ordinance providing for assessment
2 19 of subdivided lots acquired for development of housing in the
2 20 manner they were assessed prior to acquisition for three years
2 21 from the date of subdivision or until the lot is sold for
2 22 construction or occupancy of housing, whichever is sooner. The
2 23 bill also amends a similar provision that allowed counties with
2 24 a population of less than 20,000 to adopt the same ordinance
2 25 but with a five-year assessment period, by removing the
2 26 five-year time limit and providing that such an ordinance may
2 27 allow each lot to be taxed in the manner it was prior to its
2 28 acquisition until the lot is sold for construction or occupancy
2 29 of housing.

2 30 The bill applies to assessment years beginning on or after
2 31 January 1, 2012.

LSB 1901HV (2) 84
md/sc



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House File 301 - Introduced

HOUSE FILE
BY J. TAYLOR, FRY,
SCHULTE, and DE BOEF

A BILL FOR

1 An Act relating to school district teaching assignments and
2 responsibilities, student advancement by a teacher or school
3 district, and providing for the withholding of state aid to
4 school districts under certain conditions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1842YH (3) 84

kh/nh



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PAG LIN

1 1 Section 1. Section 256.7, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 31. Adopt rules specifically defining the
1 4 amount of state aid to be withheld from a school district for
1 5 a violation of section 279.65.
1 6 Sec. 2. Section 256.9, subsection 52, Code 2011, is amended
1 7 to read as follows:
1 8 52. Establish and maintain a process and a procedure, in
1 9 cooperation with the board of educational examiners, to compare
1 10 a practitioner's teaching assignment with the license and
1 11 endorsements held by the practitioner. The director may report
1 12 noncompliance issues identified by this process to the board of
1 13 educational examiners pursuant to section 272.15, subsection
1 14 3, and may provide for the withholding of state aid to a school
1 15 district if the department determines that the school district
1 16 has inappropriately assigned a teacher in violation of section
1 17 279.65, subsection 4.
1 18 Sec. 3. NEW SECTION. 279.65 Teacher of record ==== contact
1 19 hours and endorsements ==== student advancement.
1 20 1. The state board of education shall define the term
1 21 "teacher of record" by rule. The definition shall provide,
1 22 at a minimum, that the term identifies the teacher who has
1 23 responsibility for providing instruction to a given student for
1 24 a given subject during each semester. A student may have more
1 25 than one teacher of record if the school district utilizes team
1 26 teaching in a given subject or when another teacher provides
1 27 supplemental instruction. The state board of education shall
1 28 determine under the definition the share of instructional
1 29 responsibility to be apportioned to each teacher of a subject
1 30 or grade level. The definition shall establish guidelines
1 31 for determining whether a teacher of record is a classroom
1 32 instructor or provides supplemental education in a subject.
1 33 2. At least twice annually, a teacher of record and the
1 34 teacher's supervisor shall verify and, where appropriate,
1 35 correct the roster of students for whom the teacher has been



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2 1 assigned responsibility. The teacher of record shall have
2 2 at least fifty percent of the total contact hours with a
2 3 given student in a given subject, except when the coursework
2 4 is offered as an advanced placement class or as online
2 5 postsecondary=level coursework.
2 6 3. A student shall not advance to the next grade level or
2 7 the next level of coursework unless the student demonstrates
2 8 proficiency by successfully meeting the minimum course
2 9 requirements which shall be equally administered for all
2 10 students as demonstrated by the teacher of record's published
2 11 standards for competency and proficiency for the grade level
2 12 or course or by the school district's published standards for
2 13 competency and proficiency for the grade level or course.
2 14 4. A teacher of record, in accordance with section 272.7,
2 15 shall hold an endorsement for the type of service for which the
2 16 teacher is employed.
2 17 5. If the department of education determines that a school
2 18 district is not in compliance with this section, the department
2 19 shall instruct the director of the department of management
2 20 to withhold state aid to the school district in an amount
2 21 specified under section 256.7, subsection 31. The department
2 22 of education shall direct the department of management to
2 23 restore the amount withheld pursuant to this subsection if the
2 24 department of education determines that the school district is
2 25 in compliance with this section.
2 26 EXPLANATION
2 27 This bill directs the state board of education to define
2 28 "teacher of record" by rule, provides for the number of contact
2 29 hours a teacher of record must have with a given student for
2 30 a given subject, provides that a student shall not advance to
2 31 the next grade or course level unless the student meets the
2 32 teacher of record's standards, and requires that a teacher of
2 33 record hold an endorsement in the subject for which the teacher
2 34 is responsible. The bill provides for the withholding and
2 35 restoration of state aid to a school district that violates the



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3 1 provisions of the bill.

3 2 A student may have more than one teacher of record if the
3 3 school district utilizes team teaching in a given subject
3 4 or when another teacher provides supplemental instruction.
3 5 The state board shall determine the share of instructional
3 6 responsibility to be apportioned to each teacher of a subject
3 7 or grade level. The definition shall establish guidelines
3 8 for determining whether a teacher of record is a classroom
3 9 instructor or provides supplemental education in a subject.

3 10 At least twice annually, a teacher of record and the
3 11 teacher's supervisor shall verify and, where appropriate,
3 12 correct the roster of students for whom the teacher has
3 13 been assigned responsibility. The teacher of record shall
3 14 have at least 50 percent of the total contact hours with a
3 15 given student in a given subject, except when the coursework
3 16 is offered as an advanced placement class or as online
3 17 postsecondary=level coursework.

3 18 A teacher of record shall hold an endorsement for the type of
3 19 service for which the teacher is employed.

3 20 A student shall not advance to the next grade level or
3 21 the next level of coursework unless the student demonstrates
3 22 proficiency by successfully meeting the minimum course
3 23 requirements which shall be equally administered for all
3 24 students as demonstrated by the teacher of record's published
3 25 standards for competency and proficiency for the grade level
3 26 or course or by the school district's published standards for
3 27 competency and proficiency for the grade level or course.

3 28 If the department of education determines that a school
3 29 district is not in compliance with the provisions of the bill,
3 30 the department shall instruct the director of the department
3 31 of management to withhold state aid to the school district in
3 32 an amount specified by the state board under rules the bill
3 33 requires the state board to adopt. The department of education
3 34 shall direct the department of management to restore the amount
3 35 withheld if the department of education determines that the



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4 1 school district is in compliance. The bill makes a conforming
4 2 change.

LSB 1842YH (3) 84

kh/nh



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House File 302 - Introduced

HOUSE FILE
BY LUKAN

A BILL FOR

1 An Act concerning the sales and use tax imposed on the
2 operation of bingo games.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2111HH (1) 84
aw/sc



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House File 302 - Introduced continued

PAG LIN

1 1 Section 1. Section 423.2, subsection 4, paragraph b, Code
1 2 2011, is amended to read as follows:
1 3 b. The tax imposed under this subsection covers the
1 4 total amount from the operation of games of skill, games of
1 5 chance, and raffles, ~~and bingo games~~ as defined in chapter
1 6 99B, card game tournaments conducted under section 99B.7B,
1 7 and musical devices, weighing machines, shooting galleries,
1 8 billiard and pool tables, bowling alleys, pinball machines,
1 9 slot=operated devices selling merchandise not subject to the
1 10 general sales taxes and on the total amount from devices or
1 11 systems where prizes are in any manner awarded to patrons and
1 12 upon the receipts from fees charged for participation in any
1 13 game or other form of amusement, and generally upon the sales
1 14 price from any source of amusement operated for profit, not
1 15 specified in this section, and upon the sales price from which
1 16 tax is not collected for tickets or admission, but tax shall
1 17 not be imposed upon any activity exempt from sales tax under
1 18 section 423.3, subsection 78, or upon amounts received from
1 19 the operation of bingo games by a qualified organization in
1 20 accordance with section 99B.7. Every person receiving any
1 21 sales price from the sources described in this section is
1 22 subject to all provisions of this subchapter relating to retail
1 23 sales tax and other provisions of this chapter as applicable.
1 24 EXPLANATION
1 25 This bill provides that bingo games conducted by qualified
1 26 organizations for certain charitable purposes are exempt from
1 27 the sales and use tax imposed on other bingo games. Current
1 28 law imposes the tax on the gross amount derived from the bingo
1 29 games.

LSB 2111HH (1) 84
aw/sc



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House Study Bill 101

HOUSE FILE
BY (PROPOSED COMMITTEE ON
LABOR BILL BY
CHAIRPERSON HORBACH)

A BILL FOR

1 An Act relating to stays of decrees or judgments in workers'
2 compensation cases pending judicial review.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1779YC (3) 84
av/rj



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House Study Bill 101 continued

PAG LIN

1 1 Section 1. Section 86.26, Code 2011, is amended to read as
1 2 follows:

1 3 86.26 Judicial review ==== stays.

1 4 1. Judicial review of decisions or orders of the workers'
1 5 compensation commissioner may be sought in accordance
1 6 with chapter 17A. Notwithstanding chapter 17A, the Iowa
1 7 administrative procedure Act, petitions for judicial review
1 8 may be filed in the district court of the county in which the
1 9 hearing under section 86.17 was held, the workers' compensation
1 10 commissioner shall transmit to the reviewing court the original
1 11 or a certified copy of the entire record of the contested case
1 12 which is the subject of the petition within thirty days after
1 13 receiving written notice from the party filing the petition
1 14 that a petition for judicial review has been filed, and an
1 15 application for stay of agency action during the pendency of
1 16 judicial review shall not be filed in the division of workers'
1 17 compensation of the department of workforce development
1 18 but shall be filed with the district court. Such a review
1 19 proceeding shall be accorded priority over other matters
1 20 pending before the district court.

1 21 2. If the commissioner's order or decision that is the
1 22 subject of judicial review proceedings has been reduced to
1 23 a decree or judgment by the district court as provided in
1 24 section 86.42, upon application by any party seeking judicial
1 25 review, the district court shall enter a stay of execution
1 26 or enforcement of that decree or judgment enforcing the
1 27 commissioner's order or decision provided that the party
1 28 seeking the stay does all of the following:

1 29 a. Identifies for the district court those parts of the
1 30 commissioner's order or decision that are being contested on
1 31 judicial review.

1 32 b. Certifies to the district court that the party will
1 33 comply with the commissioner's order or decision with respect
1 34 to those parts of the commissioner's order or decision that
1 35 the party is not contesting on judicial review, including



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House Study Bill 101 continued

2 1 payment of all accrued or ongoing benefits which are not
2 2 being contested on judicial review, and provision of any
2 3 alternate medical care or ongoing medical care ordered by the
2 4 commissioner that is not being contested on judicial review.
2 5 c. Posts a supersedeas bond with the district court in an
2 6 amount and in the manner required by law or rule of court for
2 7 appeals arising from civil money judgments except as provided
2 8 in section 625A.9. The district court shall have the authority
2 9 to review the amount and sufficiency of the bond.
2 10 3. a. If a party contests on judicial review an order or
2 11 decision by the commissioner directing alternate medical care
2 12 or ongoing medical care pursuant to section 85.27, the district
2 13 court shall enter a stay of execution or enforcement of its
2 14 decree or judgment pertaining to such order or decision only
2 15 after weighing all of the following:
2 16 (1) The likelihood that the party seeking the stay will
2 17 prevail upon judicial review.
2 18 (2) The urgency of the ordered alternate or ongoing medical
2 19 care.
2 20 (3) The likelihood and magnitude of harm to the employee
2 21 from a delay in receiving the ordered alternate or ongoing
2 22 medical care.
2 23 (4) The employee's ability to obtain the same or similar
2 24 alternate or ongoing medical care from another source.
2 25 b. The district court may order a hearing and take such
2 26 evidence as the district court deems appropriate in evaluating
2 27 an application for stay of enforcement or execution of a decree
2 28 or judgment pertaining to the commissioner's order or decision
2 29 for alternate or ongoing medical care.
2 30 c. A denial of an application for a stay of enforcement or
2 31 execution of a decree or judgment pertaining to an order or
2 32 decision for alternate or ongoing medical care shall not affect
2 33 the stay of any other contested portion of the commissioner's
2 34 order or decision during the pendency of the judicial review
2 35 proceedings.



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3 1 d. Upon application by any party and a showing of a material
3 2 change in circumstances regarding alternate or ongoing medical
3 3 care, the district court may modify its prior ruling as to a
3 4 stay of such alternate or ongoing medical care.

3 5 e. The party making the application for a stay or
3 6 modification of a stay for enforcement or execution of the
3 7 decree or judgment pertaining to the commissioner's order or
3 8 decision for alternate or ongoing medical care shall bear the
3 9 burden of establishing the need for the stay or modification
3 10 of the stay.

3 11 4. Upon appeal from a final district court ruling on a
3 12 petition for judicial review, the stay of the enforcement or
3 13 execution of the decree or judgment shall remain in force until
3 14 such time as all appeals have been resolved, provided that the
3 15 party seeking the stay maintains an appropriate supersedeas
3 16 bond.

3 17 5. Upon application by any party, the district court may
3 18 modify the scope of the stay to encompass only those portions
3 19 of the decree or judgment pertaining to the commissioner's
3 20 order or decision that are being contested in an appeal from a
3 21 final district court ruling on a petition for judicial review.

3 22 Sec. 2. Section 86.42, Code 2011, is amended to read as
3 23 follows:

3 24 86.42 Judgment by district court on award.

3 25 1. Any party in interest may present a file=stamped copy
3 26 of an order or decision of the commissioner, from which a
3 27 timely petition for judicial review has not been filed or if
3 28 judicial review has been filed, which has not had execution or
3 29 enforcement stayed as provided in section 17A.19, subsection 5
~~3 30 86.26~~, or an order or decision of a deputy commissioner from
3 31 which a timely appeal has not been taken within the agency
3 32 and which has become final by the passage of time as provided
3 33 by rule and section 17A.15, or an agreement for settlement
3 34 approved by the commissioner, and all papers in connection
3 35 therewith, to the district court where judicial review of the



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4 1 agency action may be commenced. The court shall render a
4 2 decree or judgment and cause the clerk to notify the parties.
4 3 2. The decree or judgment, in the absence of a petition
4 4 for judicial review or if judicial review has been commenced,
4 5 in the absence of a stay of execution or enforcement of the
4 6 decision or order of the workers' compensation commissioner, or
4 7 in the absence of an act of any party which prevents a decision
4 8 of a deputy workers' compensation commissioner from becoming
4 9 final, has the same effect and in all proceedings in relation
4 10 thereto is the same as though rendered in a suit duly heard and
4 11 determined by the court.

4 12 EXPLANATION

4 13 This bill relates to stays of execution or enforcement
4 14 of workers' compensation orders or decisions that have been
4 15 reduced to a decree or judgment by the district court pending
4 16 judicial review.

4 17 The bill requires a district court to grant an application
4 18 for a stay of execution or enforcement of an order or decision
4 19 of the workers' compensation commissioner that has been reduced
4 20 to a decree or judgment by the district court and is the
4 21 subject of judicial review proceedings if the applicant for
4 22 the stay identifies the parts of the commissioner's order or
4 23 decision that are being contested on judicial review; certifies
4 24 to the court that the party will comply with those parts of
4 25 the commissioner's order or decision that the party is not
4 26 contesting; and posts a supersedeas bond with the court in the
4 27 amount and in the manner required by law or court rules for
4 28 appeals arising from civil money judgments except as provided
4 29 in Code section 625A.9.

4 30 If a party is contesting on judicial review an order or
4 31 decision for alternate or ongoing medical care for an injured
4 32 employee, the district court shall enter a stay of enforcement
4 33 or execution of its decree or judgment pertaining to such
4 34 medical care only upon weighing the likelihood that the
4 35 party seeking the stay will prevail upon judicial review; the



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House Study Bill 101 continued

5 1 urgency of the ordered alternate or ongoing medical care; the
5 2 likelihood and magnitude of harm to the employee from a delay
5 3 in receiving the ordered medical care; and the employee's
5 4 ability to obtain the same or similar medical care from another
5 5 source.

5 6 The district court may order a hearing to evaluate an
5 7 application for a stay of its decree or judgment pertaining to
5 8 an order or decision for alternate or ongoing medical care.
5 9 The denial of an application for such a stay does not affect
5 10 the stay of any other contested portion of the commissioner's
5 11 order or decision during the pendency of the judicial review
5 12 proceedings. Upon application by any party, a ruling as to a
5 13 stay of a decree or judgment pertaining to an order or decision
5 14 for alternate or ongoing medical care may be modified upon a
5 15 showing of a material change in circumstances regarding the
5 16 medical care by the party requesting the modification.

5 17 Upon appeal from a final district court ruling on a petition
5 18 for judicial review, a stay remains in force until all appeals
5 19 have been resolved as long as the appropriate supersedeas
5 20 bond is maintained by the party seeking the stay. The stay
5 21 can also be modified to encompass only those portions of the
5 22 commissioner's order or decision that are being contested in
5 23 an appeal from a final district court ruling on a petition for
5 24 judicial review.

5 25 Code section 86.42 is amended by changing an internal
5 26 reference to indicate that the applicable procedure to obtain
5 27 a stay of enforcement or execution of an order or decision of
5 28 the workers' compensation commissioner that has been reduced
5 29 to a decree or judgment is now contained in Code section 86.26
5 30 instead of pursuant to the general procedure for obtaining
5 31 a stay contained in Code section 17A.17(5) of the Iowa
5 32 administrative procedure Act.

LSB 1779YC (3) 84

av/rj



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House Study Bill 102

SENATE/HOUSE FILE
BY (PROPOSED DEPARTMENT
OF COMMERCE/ALCOHOLIC
BEVERAGES DIVISION
BILL)

A BILL FOR

1 An Act relating to matters under the purview of the alcoholic
2 beverages division of the department of commerce, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1243XD (7) 84
rn/nh



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1 1 Section 1. Section 22.7, subsection 24, Code 2011, is
1 2 amended by striking the subsection.

1 3 Sec. 2. Section 123.3, Code 2011, is amended by adding the
1 4 following new subsection:

1 5 NEW SUBSECTION. 014A. "Grape brandy" means brandy produced
1 6 by the distillation of fermented grapes or grape juice.

1 7 Sec. 3. Section 123.41, Code 2011, is amended to read as
1 8 follows:

1 9 123.41 Manufacturer's license.

1 10 1. Upon application in the prescribed form and accompanied
1 11 by a fee of three hundred fifty dollars, the administrator may
1 12 in accordance with this chapter grant and issue a license,
1 13 valid for a one-year period after date of issuance, to a
1 14 manufacturer which shall allow the manufacture, storage, and
1 15 wholesale disposition and sale of alcoholic liquors to the
1 16 division and to customers outside of the state.

1 17 2. As a condition precedent to the approval and granting of
1 18 a manufacturer's license, an applicant shall file a statement
1 19 under oath with the division that the applicant is a bona fide
1 20 manufacturer of alcoholic liquors, and that the applicant
1 21 will faithfully observe and comply with all laws, rules, and
1 22 regulations governing the manufacture and sale of alcoholic
1 23 liquor.

1 24 ~~2- 3. A person who holds an experimental distilled spirits~~
1 25 ~~plant permit or its equivalent issued by the federal bureau~~
1 26 ~~of alcohol, tobacco and firearms alcohol and tobacco tax and~~
1 27 ~~trade bureau of the United States department of the treasury~~
1 28 ~~may produce alcohol for use as fuel without obtaining a~~
1 29 ~~manufacturer's license from the division.~~

1 30 4. A violation of the requirements of this section shall
1 31 subject the licensee to the general penalties provided in this
1 32 chapter and shall constitute grounds for imposition of a civil
1 33 penalty or suspension or revocation of the license after notice
1 34 and opportunity for a hearing pursuant to section 123.39 and
1 35 chapter 17A.



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2 1 Sec. 4. Section 123.43A, subsection 8, Code 2011, is amended
2 2 to read as follows:

2 3 8. Micro=distilled spirits purchased at a micro=distillery
2 4 shall not be consumed ~~within three hundred feet of a~~
~~2 5 micro-distillery or on any property owned, operated, or~~
2 6 controlled by a micro=distillery.

2 7 Sec. 5. Section 123.56, subsections 1, 2, and 3, Code 2011,
2 8 are amended to read as follows:

2 9 1. Subject to rules of the division, manufacturers of
2 10 native wines from grapes, cherries, other fruits or other fruit
2 11 juices, vegetables, vegetable juices, dandelions, clover,
2 12 honey, or any combination of these ingredients, holding a
2 13 class "A" wine permit as required by this chapter, may sell,
2 14 keep, or offer for sale and deliver the wine. ~~Sales may be~~
~~2 15 made at retail for off-premises consumption when sold on the~~
~~2 16 premises of the manufacturer, or in a retail establishment~~
~~2 17 operated by the manufacturer. Sales may also be made to class~~
~~2 18 "A" or retail wine permittees or liquor control licensees as~~
~~2 19 authorized by the class "A" wine permit. Notwithstanding any~~
2 20 other provision of this chapter, manufacturers of native wine
2 21 may purchase and possess grape brandy from the division for the
2 22 sole purpose of manufacturing wine.

2 23 2. Native wine may be sold at retail for off=premises
2 24 consumption when sold on the premises of the manufacturer,
2 25 or in a retail establishment operated by the manufacturer.
2 26 Sales may also be made to class "A" or retail wine permittees
2 27 or liquor control licensees as authorized by the class "A"
2 28 wine permit. A manufacturer of native wines shall not sell
2 29 the wines other than as permitted in this chapter and shall
2 30 not allow wine sold to be consumed upon the premises of the
2 31 manufacturer. However, prior to sale native wines may be
2 32 sampled on the premises where made, when no charge is made
2 33 for the sampling. A person may manufacture native wine for
2 34 consumption on the manufacturer's premises, when the wine or
2 35 any part of it is not manufactured for sale.



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3 1 3. A manufacturer of native wines may ship wine in closed
3 2 containers to individual purchasers inside and outside this
3 3 state by obtaining a wine direct shipper license pursuant to
3 4 section 123.187. ~~The manufacturer shall label the package~~
~~3 5 containing the wine with the words "deliver to adults only".~~

3 6 Sec. 6. Section 123.57, Code 2011, is amended to read as
3 7 follows:

3 8 123.57 Examination of accounts.

3 9 The financial condition and transactions of all offices,
3 10 departments, warehouses, and depots of the division shall be
3 11 examined at least once each year by the state auditor and at
3 12 shorter periods if requested by the administrator, governor,
3 13 commission, or executive council the general assembly's
3 14 standing committees on government oversight.

3 15 Sec. 7. REPEAL. Section 123.43, Code 2011, is repealed.

3 16 EXPLANATION

3 17 This bill makes changes regarding matters under the purview
3 18 of the alcoholic beverages division of the department of
3 19 commerce.

3 20 The bill deletes an exception to the open records law in
3 21 Code chapter 22 which currently provides that records of
3 22 purchases of alcoholic liquor from the division which would
3 23 reveal purchases made by an individual class "E" liquor control
3 24 licensee shall be kept confidential, unless required to be
3 25 revealed for law enforcement purposes or for the collection of
3 26 payments due the division pursuant to Code section 123.24.

3 27 The bill provides that prior to the approval and granting
3 28 of a manufacturer's license, which allows the manufacture,
3 29 storage, and wholesale disposition and sale of alcoholic
3 30 liquors to the division and to customers outside of the state,
3 31 an applicant must file a statement under oath with the division
3 32 that the applicant is a bona fide manufacturer of alcoholic
3 33 liquors, and that the applicant will faithfully observe and
3 34 comply with all laws, rules, and regulations governing the
3 35 manufacture and sale of alcoholic liquor. The bill subjects



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4 1 a licensee violating the requirements for issuance of a
4 2 manufacturer's license, in addition to any other applicable
4 3 penalty contained in Code chapter 123, to the civil penalty and
4 4 suspension or revocation provisions contained in Code section
4 5 123.39. The civil penalty is in an amount not to exceed \$1,000
4 6 per violation. The bill repeals Code section 123.43, which
4 7 requires the posting of a \$5,000 bond by applicants for a
4 8 manufacturer's license.
4 9 The bill deletes a current provision prohibiting
4 10 micro=distilled spirits purchased at a micro=distillery from
4 11 being consumed within 300 feet of a micro=distillery.
4 12 Additionally, the bill makes specified changes relating
4 13 to the manufacture of native wine. The bill states that
4 14 manufacturers of native wine may purchase and possess grape
4 15 brandy, as defined in the bill, for the sole purpose of
4 16 manufacturing wine, provided that the grape brandy is purchased
4 17 from the division. The bill clarifies that a manufacturer of
4 18 native wine shall obtain a wine shipper's license pursuant to
4 19 Code section 123.187 and makes the manufacturer subject to the
4 20 provisions of the Code section.

LSB 1243XD (7) 84

rn/nh



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SENATE/HOUSE FILE
BY (PROPOSED GOVERNOR'S
BILL)

A BILL FOR

1 An Act relating to the organization of the executive branch
2 agencies responsible for administering economic development
3 programs, making certain properly related changes, and
4 including effective date and transition provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 2042XL (21) 84
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PAG LIN

1 1 DIVISION I
1 2 IOWA PARTNERSHIP FOR ECONOMIC PROGRESS AND ECONOMIC PROGRESS
1 3 AUTHORITY
1 4 Section 1. Section 15.101, Code 2011, is amended by striking
1 5 the section and inserting in lieu thereof the following:
1 6 15.101 Findings and purpose ==== partnership described.
1 7 1. The general assembly finds that economic development
1 8 is an important public purpose and that both the public
1 9 and private sectors have a shared interest in fostering the
1 10 economic vitality of the state. Therefore, it is the purpose
1 11 of this subchapter to implement economic development policy in
1 12 the state by means of a collaboration between government and
1 13 the private sector.
1 14 2. The collaboration shall involve the partnership for
1 15 economic progress, the economic progress authority, and the
1 16 economic progress corporation, all of which shall work together
1 17 to further economic development policy according to the
1 18 provisions of this subchapter.
1 19 Sec. 2. Section 15.102, Code 2011, is amended by adding the
1 20 following new subsections:
1 21 NEW SUBSECTION. 01. "Authority" means the economic progress
1 22 authority created in section 15.105.
1 23 NEW SUBSECTION. 1A. "Chief executive officer" means the
1 24 chief executive officer of the corporation.
1 25 NEW SUBSECTION. 2A. "Corporation" means the economic
1 26 progress corporation created pursuant to section 15.107.
1 27 NEW SUBSECTION. 4A. "Financial assistance" means assistance
1 28 provided only from the funds, rights, and assets legally
1 29 available to the authority and includes but is not limited to
1 30 assistance in the form of grants, loans, forgivable loans, and
1 31 royalty payments.
1 32 NEW SUBSECTION. 5A. "Partnership" means the collaboration
1 33 between the board, the authority, and the corporation as
1 34 described in section 15.101.
1 35 Sec. 3. Section 15.102, subsections 1 and 4, Code 2011, are



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2 1 amended to read as follows:

2 2 1. "Board" means the ~~Iowa economic development board~~ seven
2 3 members of the authority appointed by the governor and in whom
2 4 the powers of the authority are vested pursuant to section
2 5 15.105.

2 6 4. "Director" means the director of the ~~department~~
~~2 7~~ authority, appointed pursuant to section 15.106C, or the
2 8 director's designee.

2 9 Sec. 4. Section 15.102, subsection 3, Code 2011, is amended
2 10 by striking the subsection.

2 11 Sec. 5. Section 15.103, Code 2011, is amended by striking
2 12 the section and inserting in lieu thereof the following:

2 13 15.103 Partnership for economic progress.

2 14 1. The partnership for economic progress is hereby created.
2 15 The partnership shall serve as an advisory body within state
2 16 government and shall function on a continuing basis for the
2 17 study and recommendation of solutions and policy alternatives
2 18 for issues arising in the area of economic development.

2 19 2. The powers of the partnership are vested in and shall
2 20 be exercised by seven members to be appointed by the governor.
2 21 To the extent possible, the governor shall appoint to the
2 22 membership of the partnership persons who are actively employed
2 23 in the private, for-profit sector of the economy or who
2 24 otherwise have substantial expertise in economic development.
2 25 3. Members of the partnership shall be appointed for
2 26 staggered terms of two years beginning and ending as provided
2 27 in section 69.19. A person appointed to fill a vacancy shall
2 28 serve only for the unexpired portion of the term. A member
2 29 is eligible for reappointment. A member of the authority
2 30 may be removed from office by the governor for misfeasance,
2 31 malfeasance, or willful neglect of duty or other just cause,
2 32 after notice and hearing, unless the notice and hearing is
2 33 expressly waived in writing.

2 34 4. Four members of the partnership constitute a quorum and
2 35 the affirmative vote of a majority of the appointed members



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3 1 is necessary for any action taken by the partnership. The
3 2 majority shall not include any member who has a conflict of
3 3 interest and a statement by a member of a conflict of interest
3 4 shall be conclusive for this purpose. A vacancy in the
3 5 membership does not impair the right of a quorum to exercise
3 6 all rights and perform all duties of the authority.

3 7 5. Members of the partnership shall receive a per diem as
3 8 described in section 7E.6 for each day spent in performance of
3 9 duties as members and shall be reimbursed for all actual and
3 10 necessary expenses incurred in the performance of duties as
3 11 members.

3 12 6. Members of the partnership shall give bond as required
3 13 for public officers in chapter 64.

3 14 7. The governor or, if the governor so designates, the
3 15 lieutenant governor shall serve as the chairperson of the
3 16 partnership. Members shall elect a vice chairperson and
3 17 secretary biannually, and other officers as they determine.

3 18 8. Meetings of the partnership shall be held at least
3 19 quarterly and may be held more frequently at the call of the
3 20 chairperson or when four or more members of the partnership so
3 21 request.

3 22 Sec. 6. Section 15.104, Code 2011, is amended by striking
3 23 the section and inserting in lieu thereof the following:

3 24 15.104 Duties and powers of the partnership.

3 25 The partnership created in section 15.103 shall have the
3 26 following duties and powers:

3 27 1. To call and hold meetings for the purposes described in
3 28 section 15.103, subsection 1.

3 29 2. To create and maintain records of the partnership's
3 30 activities and recommendations.

3 31 3. To develop a strategic vision for economic development
3 32 in Iowa. The partnership shall submit this vision to the
3 33 authority and the general assembly by January 31 of each year
3 34 for their consideration.

3 35 Sec. 7. Section 15.105, Code 2011, is amended by striking



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4 1 the section and inserting in lieu thereof the following:
4 2 15.105 Economic progress authority.
4 3 1. The economic progress authority is created, and
4 4 constituted a public instrumentality and agency of the state
4 5 exercising public and essential governmental functions, to
4 6 undertake programs which implement economic development policy
4 7 in the state, and to undertake certain finance programs.
4 8 a. The powers of the authority are vested in and shall be
4 9 exercised by a board of seven voting members appointed by the
4 10 governor subject to confirmation by the senate.
4 11 b. There shall be four ex officio, nonvoting legislative
4 12 members consisting of the following:
4 13 (1) Two state senators, one appointed by the president of
4 14 the senate after consultation with the majority leader of the
4 15 senate and one appointed by the minority leader of the senate
4 16 from their respective parties.
4 17 (2) Two state representatives, one appointed by the speaker
4 18 and one appointed by the minority leader of the house of
4 19 representatives from their respective parties.
4 20 c. To the extent possible, the governor shall appoint
4 21 persons who are actively employed in the private, for-profit
4 22 sector of the economy or who otherwise have substantial
4 23 expertise in economic development.
4 24 2. Members of the authority shall be appointed for staggered
4 25 terms of four years beginning and ending as provided in section
4 26 69.19. A person appointed to fill a vacancy shall serve only
4 27 for the unexpired portion of the term. A member is eligible
4 28 for reappointment. A member of the authority may be removed
4 29 from office by the governor for misfeasance, malfeasance, or
4 30 willful neglect of duty or other just cause, after notice and
4 31 hearing, unless the notice and hearing is expressly waived in
4 32 writing.
4 33 3. Four members of the authority constitute a quorum, and
4 34 the affirmative vote of a majority of the appointed members is
4 35 necessary for any action taken by the authority. The majority



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5 1 shall not include any member who has a conflict of interest
5 2 and a statement by a member of a conflict of interest shall be
5 3 conclusive for this purpose. A vacancy in the membership does
5 4 not impair the right of a quorum to exercise all rights and
5 5 perform all duties of the authority.
5 6 4. Members of the authority are entitled to receive a
5 7 per diem as specified in section 7E.6 for each day spent in
5 8 performance of duties as members, and shall be reimbursed for
5 9 all actual and necessary expenses incurred in the performance
5 10 of duties as members.
5 11 5. Members of the authority and the director shall give bond
5 12 as required for public officers in chapter 64.
5 13 6. Meetings of the authority shall be held at the call of
5 14 the chairperson or when two members so request.
5 15 7. Members shall elect a chairperson and vice chairperson
5 16 annually, and other officers as they determine, but the
5 17 director shall serve as secretary to the authority.
5 18 8. The net earnings of the authority, beyond that necessary
5 19 for retirement of its notes, bonds, or other obligations, or to
5 20 implement the public purposes and programs herein authorized,
5 21 shall not inure to the benefit of any person other than the
5 22 state. Upon termination of the existence of the authority,
5 23 title to all property owned by the authority, including any
5 24 such net earnings of the authority, shall vest in the state.
5 25 The state reserves the right at any time to alter, amend,
5 26 repeal, or otherwise change the structure, organization,
5 27 programs, or activities of the authority, including the power
5 28 to terminate the authority, except that no law shall impair
5 29 the obligation of any contract or contracts entered into by
5 30 the authority to the extent that any such law would contravene
5 31 Article I, section 21, of the Constitution of the State of
5 32 Iowa, or Article I, section 10, of the Constitution of the
5 33 United States.
5 34 9. Members of the authority, or persons acting on behalf
5 35 of the authority while acting within the scope of their agency



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6 1 or employment, are not subject to personal liability resulting
6 2 from carrying out the powers and duties in this chapter.

6 3 10. The authority shall be the successor entity to the
6 4 economic development board and the department of economic
6 5 development which are hereby eliminated. The authority
6 6 shall assume all duties and responsibilities previously
6 7 assigned to the economic development board and the department
6 8 of economic development to the extent that such duties and
6 9 responsibilities are not otherwise assigned by the provisions
6 10 of this subchapter.

6 11 Sec. 8. Section 15.106, Code 2011, is amended by striking
6 12 the section and inserting in lieu thereof the following:

6 13 15.106 Conflicts of interest.

6 14 1. a. If a member or employee of the authority other than
6 15 the director of the authority has an interest, either direct or
6 16 indirect, in a contract to which the authority is, or is to be,
6 17 a party, the interest shall be disclosed to the authority in
6 18 writing and shall be set forth in the minutes of the authority.

6 19 b. The member or employee having the interest shall not
6 20 participate in any action of the authority with respect to
6 21 that contract. A violation of a provision of this subsection
6 22 is misconduct in office under section 721.2. However, a
6 23 resolution of the authority is not invalid because of a vote
6 24 cast by a member in violation of this subsection or of section
6 25 15.105, subsection 3, unless the vote was decisive in the
6 26 passage of the resolution.

6 27 c. For the purposes of this subsection, "action of the
6 28 authority with respect to that contract" means only an action
6 29 directly affecting a separate contract, and does not include an
6 30 action which benefits the general public or which affects all
6 31 or a substantial portion of the contracts included in a program
6 32 of the authority.

6 33 2. The director shall not have an interest in a bank or
6 34 other financial institution in which the funds of the authority
6 35 are, or are to be, deposited or which is, or is to be, acting



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7 1 as trustee or paying agent under a trust indenture to which
7 2 the authority is a party. The director shall not receive,
7 3 in addition to fixed salary or compensation, any money or
7 4 valuable thing, either directly or indirectly, or through any
7 5 substantial interest in any other corporation or business unit,
7 6 for negotiating, procuring, recommending, or aiding in any
7 7 purchase or sale of property, or loan, made by the authority,
7 8 nor shall the director be pecuniarily interested, either as
7 9 principal, coprincipal, agent, or beneficiary, either directly
7 10 or indirectly, or through any substantial interest in any other
7 11 corporation or business unit, in any such purchase, sale, or
7 12 loan.

7 13 Sec. 9. NEW SECTION. 15.106A General powers of the
7 14 authority.

7 15 1. The authority has any and all powers necessary and
7 16 convenient to carry out its purposes and duties and exercise
7 17 its specific powers, including but not limited to the power to:

7 18 a. Issue negotiable bonds and notes as provided in this
7 19 subchapter in order to finance its programs.

7 20 b. Sue and be sued in its own name.

7 21 c. Have and alter a corporate seal.

7 22 d. Make and alter bylaws for its management consistent with
7 23 the provisions of this chapter.

7 24 e. Make and execute agreements, contracts, and other
7 25 instruments of any and all types on such terms and conditions
7 26 as the authority may find necessary or convenient to the
7 27 purposes of the authority, with any public or private entity,
7 28 including but not limited to contracts for goods and services.
7 29 All political subdivisions, other public agencies, and state
7 30 departments and agencies may enter into contracts and otherwise
7 31 cooperate with the authority.

7 32 f. Adopt by rule pursuant to chapter 17A procedures relating
7 33 to competitive bidding, including the identification of those
7 34 circumstances under which competitive bidding by the authority,
7 35 either formally or informally, shall be required. In any



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8 1 bidding process, the authority may administer its own bidding
8 2 and procurement or may utilize the services of the department
8 3 of administrative services or any other agency. Except when
8 4 such rules apply, the authority and all contracts made by it in
8 5 carrying out its public and essential governmental functions
8 6 with respect to any of its programs shall be exempt from the
8 7 provisions and requirements of all laws or rules of the state
8 8 which require competitive bids in connection with the letting
8 9 of such contracts.

8 10 g. Acquire, hold, improve, mortgage, lease, and dispose of
8 11 real and personal property, including but not limited to the
8 12 power to sell at public or private sale, with or without public
8 13 bidding, any such property, or other obligation held by it.

8 14 h. Procure insurance against any loss in connection with its
8 15 operations and property interests.

8 16 i. Fix and collect fees and charges for its services.

8 17 j. Subject to an agreement with bondholders or noteholders,
8 18 invest or deposit moneys of the authority in a manner
8 19 determined by the authority, notwithstanding chapter 12B or
8 20 12C.

8 21 k. Accept appropriations, gifts, grants, loans, or other
8 22 aid from public or private entities. A record of all gifts or
8 23 grants, stating the type, amount, and donor, shall be clearly
8 24 set out in the authority's annual report along with the record
8 25 of other receipts.

8 26 l. Provide to public and private entities technical
8 27 assistance and counseling related to the authority's purposes.

8 28 m. In cooperation with other local, state, or federal
8 29 governmental agencies, conduct research studies, develop
8 30 estimates of unmet economic development needs, gather and
8 31 compile data useful to facilitating decision making, and enter
8 32 into agreements to carry out programs within or without the
8 33 state which the authority finds to be consistent with the goals
8 34 of the authority.

8 35 n. Enter into agreements with the federal government,



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9 1 tribes, and other states to undertake economic development
9 2 activities in the state of Iowa.
9 3 o. Own or acquire intellectual property rights including
9 4 but not limited to copyrights, trademarks, service marks, and
9 5 patents, and enforce the rights of the authority with respect
9 6 to such intellectual property rights.
9 7 p. Make, alter, and repeal rules consistent with the
9 8 provisions of this chapter, and subject to chapter 17A.
9 9 q. Form committees or panels as necessary to facilitate the
9 10 authority's duties.
9 11 r. Establish one or more funds within the state treasury
9 12 under the control of the authority and invest moneys of the
9 13 authority therein. Notwithstanding section 8.33 or 12C.7,
9 14 or any other provision to the contrary, moneys invested by
9 15 the treasurer of state pursuant to this subsection shall not
9 16 revert to the general fund of the state and interest accrued
9 17 on the moneys shall be moneys of the authority and shall not be
9 18 credited to the general fund. For purposes of this paragraph,
9 19 the treasurer of state shall enter into an agreement with the
9 20 authority to carry out the provisions of this paragraph.
9 21 s. Select projects to receive assistance by the exercise of
9 22 diligence and care.
9 23 t. Exercise generally all powers typically exercised by
9 24 private enterprises engaged in business pursuits unless the
9 25 exercise of such a power would violate the terms of this
9 26 chapter or the Constitution of the State of Iowa.
9 27 2. Notwithstanding any other provision of law, any purchase
9 28 or lease of real property, other than on a temporary basis,
9 29 when necessary in order to implement the programs of the
9 30 authority or protect the investments of the authority, shall
9 31 require written notice from the authority to the government
9 32 oversight standing committees of the general assembly and the
9 33 prior approval of the executive council.
9 34 3. The powers enumerated in this section are cumulative of
9 35 and in addition to those powers enumerated elsewhere in this



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10 1 chapter and such powers do not limit or restrict any other
10 2 powers of the authority.
10 3 4. Notwithstanding any other provision of law, the
10 4 authority may elect to utilize any or all of the goods or
10 5 services available from other state agencies in the conduct
10 6 of its affairs. Departments, boards, commissions, or other
10 7 agencies of the state shall provide reasonable assistance and
10 8 services to the authority upon the request of the director.
10 9 Sec. 10. NEW SECTION. 15.106B Specific program powers.
10 10 1. In addition to the general powers described in section
10 11 15.106A, the authority shall have all powers convenient and
10 12 necessary to carry out its programs.
10 13 2. For purposes of this section, "powers convenient and
10 14 necessary" includes but is not limited to the power to:
10 15 a. Undertake more extensive research and discussion of
10 16 the issues identified by the partnership in order to better
10 17 formulate and implement state economic development policy.
10 18 b. Establish a nonprofit corporation pursuant to section
10 19 15.107, for the purpose of receiving and disbursing funds from
10 20 public or private sources to be used to further the overall
10 21 development and economic well-being of the state.
10 22 c. Provide export documentation to Iowa businesses that are
10 23 exporting goods and services if no other government entity is
10 24 providing export documentation in a form deemed necessary for
10 25 international commerce.
10 26 d. (1) Pursuant to a contract executed between the
10 27 authority and the corporation, the authority may delegate to
10 28 the corporation the performance of the following functions on
10 29 behalf of the authority:
10 30 (a) Marketing and promotional activities.
10 31 (b) Policy research.
10 32 (c) Economic analysis.
10 33 (d) Expansion of international markets for Iowa-produced
10 34 or Iowa-based products.
10 35 (e) Consulting services. However, such consulting



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11 1 services shall not be provided in relation to an applicant for
11 2 financial assistance under any of the programs administered
11 3 by the authority or to persons who have an interest in or any
11 4 financial connection to the corporation.
11 5 (2) A contract executed pursuant to this paragraph "d"
11 6 shall not delegate an essential government function, including
11 7 the budgetary or personnel management responsibilities of the
11 8 authority, and shall not delegate any sovereign power of the
11 9 state.
11 10 (3) The terms of a contract executed pursuant to this
11 11 paragraph "d" may provide for compensation at the fair market
11 12 value of the services to be provided under the contract.
11 13 Sec. 11. NEW SECTION. 15.106C Director ==== responsibilities.
11 14 1. The board shall appoint a director of the authority,
11 15 who shall serve at the pleasure of the authority board. The
11 16 director shall be selected primarily for administrative ability
11 17 and knowledge in the field and without regard to political
11 18 affiliation.
11 19 2. The director shall not, directly or indirectly, exert
11 20 influence to induce any other officers or employees of the
11 21 state to adopt a political view or to favor a political
11 22 candidate for office.
11 23 3. The director shall advise the authority on matters
11 24 relating to economic development and act on the authority's
11 25 behalf to carry out all directives from the authority board in
11 26 regard to the operation of the authority.
11 27 4. The director shall designate certain employees as
11 28 key professional personnel and shall classify and fix the
11 29 compensation of the personnel so designated.
11 30 5. The director shall employ personnel as necessary to
11 31 carry out the duties and responsibilities of the authority.
11 32 For nonprofessional employees, employment shall be consistent
11 33 with chapter 8A, subchapter IV. The employment of professional
11 34 employees shall be exempt from the provisions of chapter 8A,
11 35 subchapter IV, and chapter 20.



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12 1 6. The director, in consultation with the authority
12 2 board, may establish incentive programs for employees of the
12 3 authority.
12 4 Sec. 12. NEW SECTION. 15.106D Bonds and notes.
12 5 1. The authority may issue its negotiable bonds and notes
12 6 in principal amounts as, in the opinion of the authority, are
12 7 necessary to provide sufficient funds for achievement of its
12 8 corporate purposes, the payment of interest on its bonds and
12 9 notes, the establishment of reserves to secure its bonds and
12 10 notes, and all other expenditures of the authority incident
12 11 to and necessary or convenient to carry out its purposes and
12 12 powers. The bonds and notes shall be deemed to be investment
12 13 securities and negotiable instruments within the meaning of and
12 14 for all purposes of the uniform commercial code, chapter 554.
12 15 2. Bonds and notes issued by the authority are payable
12 16 solely and only out of the moneys, assets, or revenues of the
12 17 authority, and as provided in the agreement with bondholders
12 18 or noteholders pledging any particular moneys, assets, or
12 19 revenues. Bonds or notes are not an obligation of this state
12 20 or any political subdivision of this state other than the
12 21 authority within the meaning of any constitutional or statutory
12 22 debt limitations, but are special obligations of the authority
12 23 payable solely and only from the sources provided in this
12 24 chapter, and the authority may not pledge the credit or taxing
12 25 power of this state or any political subdivision of this state
12 26 other than the authority, or make its debts payable out of any
12 27 moneys except those of the authority.
12 28 3. Bonds and notes must be authorized by a resolution of the
12 29 authority. However, a resolution authorizing the issuance of
12 30 bonds or notes may delegate to an officer of the authority the
12 31 power to negotiate and fix the details of an issue of bonds or
12 32 notes by an appropriate certificate of such authorized officer.
12 33 4. Bonds shall:
12 34 a. State the date and series of the issue, be consecutively
12 35 numbered, and state on their face that they are payable both



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13 1 as to principal and interest solely out of the assets of
13 2 the authority, constitute an indebtedness of the authority,
13 3 and do not constitute an indebtedness of this state or any
13 4 political subdivision of this state within the meaning of any
13 5 constitutional or statutory debt limit.
13 6 b. Be either registered, registered as to principal only,
13 7 or in coupon form, issued in denominations as the authority
13 8 prescribes, fully negotiable instruments under the laws of this
13 9 state, signed on behalf of the authority with the manual or
13 10 facsimile signature of the chairperson or vice chairperson,
13 11 attested by the manual or facsimile signature of the secretary,
13 12 have impressed or imprinted thereon the seal of the authority
13 13 or a facsimile of the seal of the authority, and the coupons
13 14 attached shall be signed with the facsimile signature of the
13 15 chairperson or vice chairperson, be payable as to interest at
13 16 rates and at times as the authority determines, be payable
13 17 as to principal at times over a period not to exceed fifty
13 18 years from the date of issuance, at places, and with reserved
13 19 rights of prior redemption, as the authority prescribes, be
13 20 sold at prices, at public or private sale, and in a manner
13 21 as the authority prescribes, and the authority may pay all
13 22 expenses, premiums, and commissions which it deems necessary
13 23 or advantageous in connection with the issuance and sale,
13 24 and be issued under and subject to the terms, conditions,
13 25 and covenants providing for the payment of the principal,
13 26 redemption premiums, if any, interest, and other terms,
13 27 conditions, covenants, and protective provisions safeguarding
13 28 payment, not inconsistent with this chapter, as are found to
13 29 be necessary by the authority for the most advantageous sale,
13 30 which may include but are not limited to covenants with the
13 31 holders of the bonds as to:
13 32 (1) Pledging or creating a lien, to the extent provided
13 33 by the resolution, on moneys or property of the authority or
13 34 moneys held in trust or otherwise by others to secure the
13 35 payment of the bonds.



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14 1 (2) Providing for the custody, collection, securing,
14 2 investment, and payment of any moneys of or due to the
14 3 authority.
14 4 (3) The setting aside of reserves or sinking funds and the
14 5 regulation or disposition of them.
14 6 (4) Limitations on the purpose to which the proceeds of
14 7 sale of an issue of bonds then or thereafter to be issued may
14 8 be applied.
14 9 (5) Limitations on the issuance of additional bonds and on
14 10 the refunding of outstanding or other bonds.
14 11 (6) The procedure by which the terms of a contract with the
14 12 holders of bonds may be amended or abrogated, the amount of
14 13 bonds the holders of which must consent thereto, and the manner
14 14 in which consent may be given.
14 15 (7) The creation of special funds into which moneys of the
14 16 authority may be deposited.
14 17 (8) Vesting in a trustee properties, rights, powers, and
14 18 duties in trust as the authority determines, which may include
14 19 the rights, powers, and duties of the trustee appointed for
14 20 the holders of any issue of bonds pursuant to section 16.28,
14 21 in which event the provisions of that section authorizing
14 22 appointment of a trustee by the holders of bonds shall not
14 23 apply, or limiting or abrogating the right of the holders of
14 24 bonds to appoint a trustee under that section, or limiting the
14 25 rights, duties, and powers of the trustee.
14 26 (9) Defining the acts or omissions which constitute a
14 27 default in the obligations and duties of the authority and
14 28 providing for the rights and remedies of the holders of bonds
14 29 in the event of a default. However, rights and remedies shall
14 30 be consistent with the laws of this state and other provisions
14 31 of this chapter.
14 32 (10) Any other matters which affect the security and
14 33 protection of the bonds and the rights of the holders.
14 34 5. The authority may issue its bonds for the purpose of
14 35 refunding any bonds or notes of the authority then outstanding,



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15 1 including the payment of any redemption premiums thereon and
15 2 any interest accrued or to accrue to the date of redemption
15 3 of the outstanding bonds or notes. Until the proceeds
15 4 of bonds issued for the purpose of refunding outstanding
15 5 bonds or notes are applied to the purchase or retirement of
15 6 outstanding bonds or notes or the redemption of outstanding
15 7 bonds or notes, the proceeds may be placed in escrow and be
15 8 invested and reinvested in accordance with the provisions of
15 9 this chapter. The interest, income, and profits earned or
15 10 realized on an investment may also be applied to the payment
15 11 of the outstanding bonds or notes to be refunded by purchase,
15 12 retirement, or redemption. After the terms of the escrow have
15 13 been fully satisfied and carried out, any balance of proceeds
15 14 and interest earned or realized on the investments may be
15 15 returned to the authority for use by it in any lawful manner.
15 16 All refunding bonds shall be issued and secured and subject to
15 17 the provisions of this chapter in the same manner and to the
15 18 same extent as other bonds issued pursuant to this chapter.
15 19 6. The authority may issue negotiable bond anticipation
15 20 notes and may renew them from time to time but the maximum
15 21 maturity of the notes, including renewals, shall not exceed
15 22 ten years from the date of issue of the original notes. Notes
15 23 are payable from any available moneys of the authority not
15 24 otherwise pledged, or from the proceeds of the sale of bonds
15 25 of the authority in anticipation of which the notes were
15 26 issued. Notes may be issued for any corporate purpose of the
15 27 authority. Notes shall be issued in the same manner as bonds,
15 28 and notes, and the resolution authorizing them may contain
15 29 any provisions, conditions, or limitations, not inconsistent
15 30 with the provisions of this subsection, which the bonds or a
15 31 bond resolution of the authority may contain. Notes may be
15 32 sold at public or private sale. In case of default on its
15 33 notes or violation of any obligations of the authority to
15 34 the noteholders, the noteholders shall have all the remedies
15 35 provided in this chapter for bondholders. Notes shall be as



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16 1 fully negotiable as bonds of the authority.
16 2 7. A copy of each pledge agreement by or to the authority,
16 3 including without limitation each bond resolution, indenture
16 4 of trust or similar agreement, or any revisions or supplements
16 5 to it shall be filed with the secretary of state and no further
16 6 filing or other action under chapter 554, article 9, of the
16 7 uniform commercial code, or any other law of the state shall
16 8 be required to perfect the security interest in the collateral
16 9 or any additions to it or substitutions for it, and the lien
16 10 and trust so created shall be binding from and after the time
16 11 made against all parties having claims of any kind in tort,
16 12 contract, or otherwise against the pledgor.
16 13 8. Neither the members of the authority nor any person
16 14 executing its bonds, notes, or other obligations shall be
16 15 liable personally on the bonds, notes, or other obligations
16 16 or be subject to any personal liability or accountability by
16 17 reason of the issuance of the authority's bonds or notes.
16 18 Sec. 13. Section 15.107, Code 2011, is amended by striking
16 19 the section and inserting in lieu thereof the following:
16 20 15.107 Economic progress corporation.
16 21 1. The authority shall establish the economic progress
16 22 corporation as a nonprofit corporation organized under chapter
16 23 504 and qualifying under section 501(c)(3) of the Internal
16 24 Revenue Code as an organization exempt from taxation. Unless
16 25 otherwise provided in this subchapter, the corporation is
16 26 subject to the provisions of chapter 504. The corporation
16 27 shall be established for the purpose of receiving and
16 28 disbursing funds from public or private sources to be used to
16 29 further the overall development and economic well-being of the
16 30 state.
16 31 2. The corporation shall collaborate with the authority as
16 32 described in this subchapter, but the corporation shall not
16 33 be considered, in whole or in part, an agency, department, or
16 34 administrative unit of the state.
16 35 a. The corporation shall not receive appropriations from the



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17 1 general assembly.

17 2 b. The corporation shall not be required to comply with
17 3 any requirements that apply to a state agency, department, or
17 4 administrative unit and shall not exercise any sovereign power
17 5 of the state.

17 6 c. The corporation does not have authority to pledge the
17 7 credit of the state, and the state shall not be liable for
17 8 the debts or obligations of the corporation. All debts and
17 9 obligations of the corporation shall be payable solely from the
17 10 corporation's funds.

17 11 3. a. The corporation shall be established so that
17 12 donations and bequests to it qualify as tax deductible under
17 13 state income tax laws and under section 501(c)(3) of the
17 14 Internal Revenue Code.

17 15 b. The corporation shall be established for the purpose
17 16 of expanding economic development opportunities in the state
17 17 of Iowa and for Iowa businesses operating in foreign markets
17 18 in connection with the public purpose of economic development
17 19 in Iowa. The corporation may effectuate this purpose by
17 20 performing certain functions delegated to it by the authority
17 21 pursuant to section 15.106B.

17 22 4. The articles of the corporation shall provide for its
17 23 governance and its efficient management. In providing for its
17 24 governance, the articles of the corporation shall address the
17 25 following:

17 26 a. A board of directors to govern the corporation which
17 27 shall be comprised of seven members initially appointed by the
17 28 governor and thereafter selected by a majority vote of the
17 29 authority board.

17 30 b. The appointment of a chief executive officer by the board
17 31 to manage the corporation's daily operations.

17 32 c. The delegation of such powers and responsibilities
17 33 to the chief executive officer as may be necessary for the
17 34 corporation's efficient operation.

17 35 d. The employment of personnel necessary for the efficient



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18 1 performance of the duties assigned to the corporation in
18 2 connection with the partnership. All such personnel shall be
18 3 considered employees of a private, nonprofit corporation and
18 4 shall be exempt from the personnel requirements imposed on
18 5 state agencies, departments, and administrative units.
18 6 e. The financial operations of the corporation including the
18 7 authority to receive and expend funds from public and private
18 8 sources and to use its property, money, or other resources for
18 9 the purpose of the corporation.
18 10 5. The board of directors of the corporation and the chief
18 11 executive officer shall act to ensure all of the following:
18 12 a. That the corporation review and, at the board's
18 13 direction, implement the strategic plan developed by the
18 14 partnership pursuant to section 15.104.
18 15 b. That the corporation prepares an annual budget that
18 16 includes funding levels for the corporation's activities and
18 17 that shows sufficient moneys are available to support those
18 18 activities.
18 19 c. That the corporation prepares an annual report for the
18 20 authority on the corporation's activities no later than January
18 21 31 of each year.
18 22 d. That the corporation prepares or causes to be prepared a
18 23 financial audit conducted by a certified public accountant in
18 24 accordance with generally accepted accounting principles.
18 25 6. The corporation shall keep confidential all information
18 26 disclosed to it by the authority as part of a contract executed
18 27 pursuant to section 15.106B.
18 28 Sec. 14. NEW SECTION. 15.107A Duties and responsibilities
18 29 of the corporation.
18 30 1. The corporation's board of directors and the chief
18 31 executive officer shall determine the activities and priorities
18 32 of the corporation within the general parameters of the duties
18 33 and responsibilities described in this section and in this
18 34 subchapter.
18 35 2. The corporation shall, to the extent its articles so



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19 1 provide and within its public purpose, do all of the following:
19 2 a. Perform any functions delegated by the authority pursuant
19 3 to section 15.106B.
19 4 b. Encourage, stimulate, and support the development and
19 5 expansion of the state's economy.
19 6 c. Develop and implement effective marketing and promotional
19 7 programs.
19 8 d. Provide pertinent information to prospective new
19 9 businesses.
19 10 e. Formulate and pursue programs for encouraging the
19 11 location of new businesses in the state and for retaining and
19 12 fostering the growth of existing businesses.
19 13 f. Solicit the involvement of the private sector, including
19 14 support and funding, for economic development initiatives in
19 15 the state.
19 16 g. Coordinate the economic development efforts of other
19 17 state and local entities in an effort to achieve policy
19 18 consistency.
19 19 h. Collect and maintain any economic data and research that
19 20 is relevant to the formulation and implementation of effective
19 21 policies.
19 22 i. Encourage the expansion of trade and the export of Iowa
19 23 products and services to national and international markets.
19 24 j. Cooperate with and provide information to state agencies,
19 25 local governments, community colleges, and the regents
19 26 universities on economic development matters, including the
19 27 areas of workforce development and job training.
19 28 k. Work in consultation with the Iowa innovation council
19 29 established in section 15.117A to formulate policy ideas and
19 30 further innovation within the state's economy.
19 31 Sec. 15. NEW SECTION. 15.107B Annual reporting
19 32 requirements.
19 33 1. On or before January 31 of each year, the director shall
19 34 submit to the authority board a report that describes the
19 35 activities of the authority during the preceding fiscal year.



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20 1 The report may include such information as the director deems
20 2 necessary or as otherwise required by law.
20 3 2. The report submitted pursuant to subsection 1 shall at a
20 4 minimum include the following:
20 5 a. A summary of the report filed by December 1 of each year
20 6 by the department of administrative services with the authority
20 7 regarding targeted small business procurement activities
20 8 conducted during the previous fiscal year.
20 9 b. A summary of the report filed by December 1 of each year
20 10 by the department of inspections and appeals with the authority
20 11 regarding certifications of targeted small businesses. At a
20 12 minimum, the summary shall include the number of certified
20 13 targeted small businesses for the previous year, the increase
20 14 or decrease in that number during the previous fiscal year
20 15 compared to the prior fiscal year, and the number of targeted
20 16 small businesses that have been decertified in the previous
20 17 fiscal year.
20 18 c. A summary of the internal report compiled by December
20 19 1 of each year by the authority regarding the targeted small
20 20 business financial assistance program. At a minimum, the
20 21 summary shall contain the number of loans, loan guarantees,
20 22 and grants distributed during the previous fiscal year, the
20 23 individual amounts provided to targeted small businesses during
20 24 the previous fiscal year, and how many financial assistance
20 25 awards to targeted small businesses were the subject of
20 26 repayment or collection activity during the previous fiscal
20 27 year.
20 28 d. A list of the procurement goals established pursuant to
20 29 section 73.16, subsection 2, and compiled by the authority's
20 30 targeted small business marketing and compliance manager and
20 31 the performance of each agency in meeting the goals. The
20 32 performance of each agency shall be determined based upon the
20 33 reports required pursuant to section 73.16, subsection 2.
20 34 Sec. 16. Section 15.108, subsection 1, paragraph b, Code
20 35 2011, is amended by striking the paragraph.



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21 1 Sec. 17. REPEAL. Sections 15E.11, 15E.14, 15E.15, and
21 2 15E.16, Code 2011, are repealed.

21 3 Sec. 18. CONTINUING VALIDITY OF DEPARTMENT RULES.

21 4 1. All rules promulgated by the department of economic
21 5 development shall be valid and enforceable after the
21 6 elimination of the department as rules promulgated by the
21 7 economic progress authority.

21 8 2. As soon as practicable, the authority shall adopt revised
21 9 rules issued under its own rulemaking authority.

21 10 Sec. 19. TRANSITION OF EMPLOYEES.

21 11 1. All employees of the department of economic development
21 12 shall be considered employees of the economic progress
21 13 authority upon the elimination of the former and creation of
21 14 the latter.

21 15 2. Such employees shall suffer no loss in years served,
21 16 sick leave and vacation time accrued, or other benefits of
21 17 their current employment upon transition to employment with the
21 18 authority.

21 19 3. All employees of the department transitioning to
21 20 employment with the authority shall be considered employees
21 21 for purposes of chapter 97B and may elect to remain a covered
21 22 employee or to file an optional exclusion from membership as
21 23 provided in section 97B.42A.

21 24 Sec. 20. CONTINUATION OF FINANCIAL ASSISTANCE.

21 25 1. Any moneys remaining in any account or fund under the
21 26 control of the department of economic development on the
21 27 effective date of this Act and relating to the provisions of
21 28 this Act shall be transferred to a comparable fund or account
21 29 under the control of the economic progress authority for such
21 30 purposes. Notwithstanding section 8.33, the moneys transferred
21 31 in accordance with this subsection shall not revert to the
21 32 account or fund from which appropriated or transferred.

21 33 2. Any license, permit, or contract issued or entered into
21 34 by the department of economic development relating to the
21 35 provisions of this Act in effect on the effective date of this



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22 1 Act shall continue in full force and effect pending transfer of
22 2 such licenses, permits, or contracts to the economic progress
22 3 authority.

22 4 3. Financial assistance provided for in agreements entered
22 5 into under the Iowa values fund and financial assistance
22 6 program pursuant to the provisions of chapter 15G prior to
22 7 the effective date of this Act shall continue as provided in
22 8 such agreements. Such agreements shall be administered by the
22 9 economic progress authority according to the provisions of
22 10 chapter 15G.

22 11 4. Federal funds utilized by the director of the department
22 12 of economic development prior to the effective date of this Act
22 13 to employ personnel necessary for the administration of the
22 14 department's programs shall be applied to and be available for
22 15 the transfer of such personnel from the department of economic
22 16 development to the economic progress authority.

22 17 DIVISION II

22 18 MISCELLANEOUS PROGRAM CHANGES

22 19 Sec. 21. Section 10B.5, subsection 2, Code 2011, is amended
22 20 to read as follows:

22 21 2. Information provided in reports required in this chapter
22 22 is a confidential record as provided in section 22.7. The
22 23 attorney general may have access to the reports, and may use
22 24 information in the reports in any action to enforce state law,
22 25 including but not limited to chapters 9H, and 9I, ~~and 10C~~.
22 26 The reports shall be made available to members of the general
22 27 assembly and appropriate committees of the general assembly
22 28 in order to determine the extent that agricultural land is
22 29 held in this state by corporations and other business and
22 30 foreign entities and the effect of such land ownership upon the
22 31 economy of this state. The secretary of state shall assist any
22 32 committee of the general assembly studying these issues.

22 33 Sec. 22. Section 15G.101, subsection 10, Code 2011, is
22 34 amended to read as follows:

22 35 10. "Fund" means the ~~grow Iowa values~~ economic progress fund



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23 1 created in section 15G.111.

23 2 Sec. 23. Section 15G.111, subsection 1, unnumbered
23 3 paragraph 1, Code 2011, is amended to read as follows:

23 4 ~~A grow Iowa values~~ An economic progress fund is created
23 5 in the state treasury under the control of the ~~department of~~
~~23 6 economic development~~ economic progress authority consisting of
23 7 the following:

23 8 Sec. 24. Section 15G.112, subsection 1, paragraph a, Code
23 9 2011, is amended to read as follows:

23 10 a. The department shall establish and administer ~~a grow Iowa~~
~~23 11 values~~ an economic progress financial assistance program for
23 12 purposes of providing financial assistance from the fund to
23 13 applicants. The financial assistance shall be provided from
23 14 moneys credited to the ~~grow Iowa values~~ economic progress fund
23 15 and not otherwise obligated or allocated pursuant to section
23 16 15G.111.

23 17 Sec. 25. NEW SECTION. 15H.1A Definitions.

23 18 For purposes of this chapter, unless the context otherwise
23 19 requires:

23 20 1. "Authority" means the economic progress authority created
23 21 in section 15.105.

23 22 2. "Director" means the director of the authority.

23 23 Sec. 26. Section 15H.2, subsections 1 and 2, Code 2011, are
23 24 amended to read as follows:

23 25 1. ~~The governor shall establish the Iowa commission on~~
23 26 ~~volunteer service which shall be part of the governor's office~~
~~23 27 is created within the authority.~~ The governor shall appoint
23 28 the commission's members. The director shall employ personnel
23 29 as necessary to carry out the duties and responsibilities of
23 30 the commission.

23 31 2. The mission of the commission is to advise and
23 32 assist the director in the development and implementation
23 33 of a comprehensive, statewide plan for promoting volunteer
23 34 involvement and citizen participation in Iowa, as well
23 35 as to serve as the state's liaison to national and state



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24 1 organizations which support the commission's mission.
24 2 Sec. 27. Section 15H.3, Code 2011, is amended by striking
24 3 the section and inserting in lieu thereof the following:
24 4 15H.3 Volunteer service commission membership.
24 5 1. The Iowa commission on volunteer service shall consist of
24 6 such authority personnel as the director deems best qualified
24 7 to administer the programs, duties, and responsibilities of the
24 8 commission.
24 9 2. The Iowa commission on volunteer service shall not be
24 10 considered an appointive commission for purposes of chapter 69.
24 11 Sec. 28. Section 15H.4, subsection 1, Code 2011, is amended
24 12 to read as follows:
24 13 1. ~~The governor's office shall serve as the lead agency for~~
24 14 ~~administration of~~ authority shall administer the commission.
24 15 The authority may consult with the department of education,
24 16 the state board of regents, and the department of workforce
24 17 development, and the department of economic development shall
24 18 ~~provide for any~~ provide for any additional administrative support as necessary
24 19 to fulfill the duties of the commission. All other state
24 20 agencies, at the request of the authority, shall provide
24 21 assistance to the commission to ensure a fully coordinated
24 22 state effort for promoting national and community service.
24 23 Sec. 29. Section 175.37, subsection 2, paragraph a, Code
24 24 2011, is amended to read as follows:
24 25 a. Be a person who may acquire or otherwise obtain or lease
24 26 agricultural land in this state pursuant to chapter 9H or 9I.
24 27 However, the taxpayer must not be a person who may acquire
24 28 or otherwise obtain or lease agricultural land exclusively
24 29 because of an exception provided in one of those chapters or in
24 30 a provision of another chapter of this Code including but not
24 31 limited to chapter 10, ~~10C~~, 10D, or 501, or section 15E.207.
24 32 Sec. 30. Section 260E.7, Code 2011, is amended to read as
24 33 follows:
24 34 260E.7 ~~Department of economic development~~ Economic progress
24 35 authority.



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25 1 1. The ~~Iowa department of economic development~~ economic
25 2 progress authority in consultation with the department of
25 3 education, the department of revenue, and the department of
25 4 workforce development shall ~~coordinate~~ administer and monitor
25 5 the new jobs training program.

25 6 2. The ~~Iowa department of economic development~~ economic
25 7 progress authority shall adopt, amend, and repeal rules under
25 8 chapter 17A that the community college will use in developing
25 9 projects with new and expanding industrial new jobs training
25 10 proposals and that the authority shall use to monitor the
25 11 community colleges' compliance.

25 12 3. The authority shall compile a report on the effectiveness
25 13 of the program. The effectiveness of the program shall be
25 14 measured by evaluating the number of jobs created by the
25 15 program and by the amount of withholding taxes from employers
25 16 that are used to pay for certificates issued pursuant to this
25 17 chapter.

25 18 4. The ~~department~~ authority is authorized to make any rule
25 19 that is adopted, amended, or repealed effective immediately
25 20 upon filing with the administrative rules coordinator or at
25 21 a subsequent stated date prior to indexing and publication,
25 22 or at a stated date less than thirty=five days after filing,
25 23 indexing, and publication.

25 24 Sec. 31. REPEAL. Chapter 10C, Code 2011, is repealed.

25 25 DIVISION III

25 26 OFFICE OF ENERGY INDEPENDENCE TRANSFERRED

25 27 Sec. 32. Section 11.5B, subsection 15, Code 2011, is amended
25 28 by striking the subsection.

25 29 Sec. 33. Section 15H.6, subsection 1, Code 2011, is amended
25 30 to read as follows:

25 31 1. The Iowa commission on volunteer service, in
25 32 collaboration with the department of natural resources, the
25 33 department of workforce development, ~~the office of energy~~
25 34 ~~independence,~~ and the utilities board of the department of
25 35 commerce, shall establish an Iowa green corps program. The



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26 1 commission shall work with the collaborating agencies and
26 2 nonprofit agencies in developing a strategy for attracting
26 3 additional financial resources for the program from other
26 4 sources which may include but are not limited to utilities,
26 5 private sector, and local, state, and federal government
26 6 funding sources. The financial resources received shall be
26 7 credited to the community programs account created pursuant to
26 8 section 15H.5.

26 9 Sec. 34. Section 22.7, subsection 60, Code 2011, is amended
26 10 by striking the subsection.

26 11 Sec. 35. Section 103A.8B, Code 2011, is amended to read as
26 12 follows:

26 13 103A.8B Sustainable design or green building standards.

26 14 The commissioner, after consulting with and receiving
26 15 recommendations from the department of natural resources
26 16 ~~and the office of energy independence~~, shall adopt rules
26 17 pursuant to chapter 17A specifying standards and requirements
26 18 for sustainable design and construction based upon or
26 19 incorporating nationally recognized ratings, certifications,
26 20 or classification systems, and procedures relating to
26 21 documentation of compliance. The standards and requirements
26 22 shall be incorporated into the state building code established
26 23 in section 103A.7, but in lieu of general applicability shall
26 24 apply to construction projects only if such applicability is
26 25 expressly authorized by statute, or as established by another
26 26 state agency by rule.

26 27 Sec. 36. Section 268.6, subsection 2, Code 2011, is amended
26 28 to read as follows:

26 29 2. The university is encouraged to cooperate with
26 30 agricultural and energy efficiency advocates and governmental
26 31 entities in administering the program, ~~including the office of~~
26 32 ~~energy independence established pursuant to section 469.2.~~

26 33 Sec. 37. Section 470.1, Code 2011, is amended by adding the
26 34 following new subsection:

26 35 NEW SUBSECTION. 01. "Authority" means the economic progress



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27 1 authority created in section 15.105.
27 2 Sec. 38. Section 470.1, subsection 2, Code 2011, is amended
27 3 to read as follows:
27 4 2. "Director" means the director of the ~~office of energy~~
27 5 ~~independence~~ economic progress authority.
27 6 Sec. 39. Section 470.1, subsection 8, Code 2011, is amended
27 7 by striking the subsection.
27 8 Sec. 40. Section 473.1, Code 2011, is amended by adding the
27 9 following new subsection:
27 10 NEW SUBSECTION. 1A. "Authority" means the economic progress
27 11 authority created in section 15.105.
27 12 Sec. 41. Section 473.1, subsection 3, Code 2011, is amended
27 13 to read as follows:
27 14 3. "Director" means the director of the ~~office~~ authority or
27 15 a designee.
27 16 Sec. 42. Section 473.1, subsection 5, Code 2011, is amended
27 17 by striking the subsection.
27 18 Sec. 43. REPEAL. Section 455B.851, Code 2011, is repealed.
27 19 Sec. 44. REPEAL. Chapter 469, Code 2011, is repealed.
27 20 Sec. 45. CODE EDITOR DIRECTIVE.
27 21 1. The Code editor is directed to change the words "office
27 22 of energy independence" to "economic progress authority" in
27 23 Code sections 7D.34, 7D.35, 8A.362, 72.5, 103A.8, 103A.27,
27 24 159A.3, 159A.6B, 266.39C, 272C.2, 279.44, 323A.2, 441.21,
27 25 476.6, and 476.63.
27 26 2. The Code editor is directed to change the word "office"
27 27 to "authority" in Code sections 470.3, 470.7, 473.7, 473.8,
27 28 473.10, 473.13A, 473.15, 473.19, 473.19A, 473.20, 473.20A, and
27 29 473.41.
27 30 Sec. 46. TRANSITION PROVISIONS ==== CONTINUATION OF GRANTS.
27 31 1. Any moneys remaining in any account or fund under the
27 32 control of the office of energy independence on the effective
27 33 date of this Act relative to the provisions of this Act shall
27 34 be transferred to a comparable fund or account under the
27 35 control of the economic progress authority for such purposes.



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28 1 Notwithstanding section 8.33, the moneys transferred in
28 2 accordance with this subsection shall not revert to the account
28 3 or fund from which appropriated or transferred.
28 4 2. Any license, permit, or contract issued or entered into
28 5 by the office of energy independence relating to the provisions
28 6 of this Act in effect on the effective date of this Act shall
28 7 continue in full force and effect pending transfer of such
28 8 licenses, permits, or contracts to the authority.
28 9 3. Grants or loans awarded from the Iowa power fund pursuant
28 10 to section 469.9 prior to the effective date of this Act shall
28 11 continue as provided by the terms of the grants or loans and
28 12 shall be administered by the authority.
28 13 4. Federal funds utilized by the director of the office of
28 14 energy independence prior to the effective date of this Act to
28 15 employ personnel necessary to administer the provisions of this
28 16 Act shall be applicable to the authority for the same purposes.
28 17 Sec. 47. TRANSITION PROVISIONS ==== EMERGENCY
28 18 RULEMAKING. Not later than July 1, 2011, the economic
28 19 progress authority shall adopt administrative rules previously
28 20 adopted by the office of energy independence relative to the
28 21 provisions of this Act in existence on the effective date of
28 22 this Act by emergency rulemaking pursuant to section 17A.4,
28 23 subsection 3, and section 17A.5, subsection 2, paragraph "b".
28 24 The rules shall be effective immediately upon filing unless
28 25 a later date is specified in the rules. Any rules adopted
28 26 in accordance with this section shall also be published as a
28 27 notice of intended action as provided in section 17A.4. Any
28 28 rule, regulation, form, order, or directive promulgated by the
28 29 office relative to the provisions of this Act shall continue in
28 30 full force and effect until such emergency rules are adopted.
28 31 Sec. 48. EFFECTIVE UPON ENACTMENT. The sections of this
28 32 division of this Act providing for emergency rulemaking,
28 33 and repealing section 455B.851, being deemed of immediate
28 34 importance, take effect upon enactment.
28 35 DIVISION IV



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29 1 CONFORMING CHANGES

29 2 Sec. 49. Section 7E.5, subsection 1, paragraph g, Code 2011,
29 3 is amended to read as follows:

29 4 g. The ~~Iowa department of economic development~~ progress
29 5 authority, created in section 15.105, which has ~~primary~~
29 6 responsibility for ~~programs for carrying out~~ ensuring that the
29 7 economic development policies of the state are effectively and
29 8 efficiently carried out.

29 9 Sec. 50. Section 15.327, Code 2011, is amended by adding the
29 10 following new subsection:

29 11 NEW SUBSECTION. 01. "Authority" means the economic progress
29 12 authority created in section 15.105.

29 13 Sec. 51. Section 15.327, subsection 5, Code 2011, is amended
29 14 by striking the subsection.

29 15 Sec. 52. Section 15E.1, Code 2011, is amended to read as
29 16 follows:

29 17 15E.1 Definition.

29 18 As used in this chapter, unless the context otherwise
29 19 requires, ~~"department"~~ "authority" means the ~~Iowa department~~
29 20 ~~of economic development~~ progress authority created in section
29 21 15.105.

29 22 Sec. 53. Section 15E.64, subsection 2, paragraph a, Code
29 23 2011, is amended to read as follows:

29 24 a. The chairperson of the ~~Iowa economic development board~~
29 25 progress authority or a designee of the chairperson.

29 26 Sec. 54. Section 15E.64, subsection 3, Code 2011, is amended
29 27 to read as follows:

29 28 3. After incorporation, the initial board of directors
29 29 shall be elected by the members of an appointment committee.
29 30 The members of the appointment committee shall be appointed
29 31 by the ~~Iowa economic development board~~ progress authority.
29 32 The initial board of directors shall consist of five members.
29 33 The persons elected to the initial board of directors by
29 34 the appointment committee shall include persons who have
29 35 an expertise in the areas of the selection and supervision



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30 1 of investment managers or in the fiduciary management of
30 2 investment funds, and other areas of expertise as deemed
30 3 appropriate by the appointment committee. After the election
30 4 of the initial board of directors, vacancies in the board
30 5 of directors of the corporation shall be elected by the
30 6 remaining directors of the corporation. Members of the board
30 7 of directors shall be subject to any restrictions on conflicts
30 8 of interest specified in the organizational documents and
30 9 shall have no interest in any venture capital investment fund
30 10 allocation manager selected by the corporation pursuant to the
30 11 provisions of this division or in any investments made by the
30 12 Iowa fund of funds.

30 13 Sec. 55. Section 15E.202, Code 2011, is amended by adding
30 14 the following new subsection:

30 15 NEW SUBSECTION. 6A. "Authority" means the economic progress
30 16 authority created in section 15.105.

30 17 Sec. 56. Section 15E.202, subsection 9, Code 2011, is
30 18 amended by striking the subsection.

30 19 Sec. 57. Section 15E.202, subsection 10, Code 2011, is
30 20 amended to read as follows:

30 21 10. "Economic development board progress authority" means the
30 22 economic development board progress authority created pursuant
30 23 to section ~~15.103~~ 15.105.

30 24 Sec. 58. Section 15E.206, subsection 2, paragraph a, Code
30 25 2011, is amended to read as follows:

30 26 a. ~~The chairperson~~ A member of the economic development
~~30 27 board progress authority chosen by the members of the authority~~
30 28 or a designee of the ~~chairperson~~ member.

30 29 Sec. 59. Section 15E.206, subsection 3, paragraphs a and d,
30 30 Code 2011, are amended to read as follows:

30 31 a. After incorporation, such a corporation shall be
30 32 organized by an initial board of directors as provided in
30 33 chapter 490, division II. The initial board of directors shall
30 34 be elected by the members of an appointment committee. The
30 35 members of the appointment committee shall be appointed by the



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31 1 economic ~~development board~~ progress authority. The initial
31 2 board of directors shall consist of seven members. The members
31 3 of the appointment committee shall include persons who have an
31 4 expertise in areas of banking, agricultural lending, business
31 5 development, agricultural production and processing, seed and
31 6 venture capital investment, and other areas of expertise as
31 7 deemed appropriate by the interim board of directors.
31 8 d. The department shall assist the incorporators and the
31 9 appointment committee in any manner determined necessary
31 10 and appropriate by the economic ~~development board~~ progress
31 11 authority and the director of the ~~department~~ authority in order
31 12 to administer this section.
31 13 Sec. 60. Section 15E.208, subsection 4, paragraph c, Code
31 14 2011, is amended to read as follows:
31 15 c. A member of the economic ~~development board~~ progress
31 16 authority, an employee of the ~~department of economic~~
31 17 ~~development~~ progress authority, an elected state official,
31 18 or any director or other officer or an employee of the
31 19 corporation.
31 20 Sec. 61. Section 15E.351, subsection 1, Code 2011, is
31 21 amended to read as follows:
31 22 1. The ~~department~~ economic progress authority shall
31 23 establish and administer a business accelerator program
31 24 to provide financial assistance for the establishment and
31 25 operation of a business accelerator for technology-based,
31 26 value-added agricultural, information solutions, alternative
31 27 and renewable energy including the alternative and renewable
31 28 energy sectors listed in section 476.42, subsection 1,
31 29 paragraph "a", or advanced manufacturing start-up businesses
31 30 or for a satellite of an existing business accelerator. The
31 31 program shall be designed to foster the accelerated growth of
31 32 new and existing businesses through the provision of technical
31 33 assistance. The ~~department, subject to the approval of the~~
31 34 ~~economic development board,~~ economic progress authority may
31 35 provide financial assistance under this section from moneys



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32 1 allocated for regional financial assistance pursuant to section
32 2 15G.111, subsection 9.
32 3 Sec. 62. Section 15F.101, Code 2011, is amended by adding
32 4 the following new subsection:
32 5 NEW SUBSECTION. 01. "Authority" means the economic progress
32 6 authority created in section 15.105.
32 7 Sec. 63. Section 15F.101, subsection 2, Code 2011, is
32 8 amended by striking the subsection.
32 9 Sec. 64. Section 15G.101, Code 2011, is amended by adding
32 10 the following new subsection:
32 11 NEW SUBSECTION. 01. "Authority" means the economic progress
32 12 authority created in section 15.105.
32 13 Sec. 65. Section 15G.101, subsection 3, Code 2011, is
32 14 amended by striking the subsection.
32 15 Sec. 66. Section 15G.101, subsection 6, Code 2011, is
32 16 amended by striking the subsection.
32 17 Sec. 67. Section 15G.115, subsection 2, paragraph a, Code
32 18 2011, is amended by striking the paragraph.
32 19 Sec. 68. Section 15G.201, Code 2011, is amended by adding
32 20 the following new subsection:
32 21 NEW SUBSECTION. 01. "Authority" means the economic progress
32 22 authority created in section 15.105.
32 23 Sec. 69. Section 15G.201, subsection 2, Code 2011, is
32 24 amended by striking the subsection.
32 25 Sec. 70. Section 97B.1A, subsection 8, paragraph a, Code
32 26 2011, is amended by adding the following new subparagraph:
32 27 NEW SUBPARAGRAPH. (12) Persons employed by the economic
32 28 progress authority on or after July 1, 2011.
32 29 Sec. 71. Section 260F.2, Code 2011, is amended by adding the
32 30 following new subsection:
32 31 NEW SUBSECTION. 1A. "Authority" means the economic progress
32 32 authority created in section 15.105.
32 33 Sec. 72. Section 260F.2, subsection 4, Code 2011, is amended
32 34 by striking the subsection.
32 35 Sec. 73. Section 260G.4C, Code 2011, is amended to read as



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33 1 follows:

33 2 260G.4C Facilitator.

33 3 The ~~department of economic development~~ progress authority

33 4 shall administer the statewide allocations of program job

33 5 credits to accelerated career education programs. The

33 6 ~~department~~ authority shall provide information about the

33 7 accelerated career education programs in accordance with its

33 8 annual reporting requirements in section ~~15.104, subsection 8~~

~~33 9 15.107B.~~

33 10 Sec. 74. Section 260G.6, subsection 4, Code 2011, is amended

33 11 to read as follows:

33 12 4. In order to receive moneys pursuant to this section,

33 13 a program agreement approved by the community college board

33 14 of directors shall be in place, program capital cost requests

33 15 shall be approved by the ~~Iowa economic development board~~

~~33 16~~ progress authority created in section ~~15.103~~ 15.105, program

33 17 capital cost requests shall be approved or denied not later

33 18 than sixty days following receipt of the request by the

33 19 ~~department of economic development~~ progress authority, and

33 20 employer contributions toward program capital costs shall be

33 21 certified and agreed to in the agreement.

33 22 Sec. 75. Section 496B.2, Code 2011, is amended by adding the

33 23 following new subsection:

33 24 NEW SUBSECTION. 01. "Authority" means the economic progress

33 25 authority created in section 15.105, or any entity which

33 26 succeeds to the functions of the authority.

33 27 Sec. 76. Section 496B.2, subsection 2, Code 2011, is amended

33 28 by striking the subsection.

33 29 Sec. 77. CODE EDITOR DIRECTIVE. Sections 10C.6, 15.116,

33 30 15.247, 15.294, 15.335A, 15E.64, 15E.202, 15E.206, 15E.208,

33 31 15E.351, 15G.101, 68B.35, 260G.6, and 308.1, Code 2011, are

33 32 amended as follows:

33 33 1. By striking from the sections the words "economic

33 34 development board" and inserting in lieu thereof the words

33 35 "economic progress authority".



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34 1 2. By striking from the sections the word "board", when
34 2 referring to the economic development board, and inserting in
34 3 lieu thereof the word "authority".
34 4 Sec. 78. CODE EDITOR DIRECTIVE. Sections 7C.4A, 7E.5,
34 5 8.6, 8.31, 12.38, 12.73, 15.108, 15.109, 15.274, 15.293A,
34 6 15.294, 15.333, 15.393, 15.411, 15.421, 15A.9, 15E.17, 15E.19,
34 7 15E.64, 15E.116, 15E.117, 15E.120, 15E.192, 15E.193, 15E.193B,
34 8 15E.194, 15E.195, 15E.196, 15E.197, 15E.206, 15E.208, 15E.311,
34 9 15E.351, 15F.102, 15G.109, 15G.110, 15G.111, 15H.5, 15H.6,
34 10 16.100A, 16.135, 16.191, 19B.7, 22.7, 28I.8, 28J.28, 28L.1,
34 11 28N.2, 28N.3, 73.16, 73.17, 73.18, 73.19, 73.20, 84A.1A, 84A.5,
34 12 84A.6, 99F.6, 99F.11, 123.143, 123.183, 159.18, 159.20, 159A.3,
34 13 159A.6B, 184.6, 185.3, 185C.10, 231.51, 239B.8, 239B.17,
34 14 256.31, 256.39, 256.40, 260C.18A, 260F.6, 260F.6B, 260F.7,
34 15 260G.3, 260G.4B, 260G.4C, 260G.6, 262.34A, 262B.3, 262B.23,
34 16 268.4, 303.3B, 303.3C, 306D.2, 307.49, 307C.3, 321.19, 321.252,
34 17 335.8, 352.4, 368.9, 403.19A, 403.21, 403.22, 404A.4, 422.16A,
34 18 422.33, 427B.1, 455B.199B, 455B.433, 455E.11, 455J.6, 461A.79,
34 19 461A.80, 465A.2, 465B.2, 465B.3, 466B.3, 483A.24, 496B.3,
34 20 496B.6, 496B.12, 496B.17, Code 2011, are amended as follows:
34 21 1. By striking from the sections the words "department of
34 22 economic development" and inserting in lieu thereof the words
34 23 "economic progress authority".
34 24 2. By striking from the sections the words "Iowa department
34 25 of economic development" and inserting in lieu thereof the
34 26 words "economic progress authority".
34 27 3. By striking from the sections the word "department",
34 28 when referring to the department of economic development, and
34 29 inserting in lieu thereof the word "authority".
34 30 Sec. 79. CODE EDITOR DIRECTIVE. Sections 15E.231, 15E.232,
34 31 15E.233, 15G.101, 15G.110, 15G.111, 15G.112, 15G.114, 15G.115,
34 32 159A.6B, 266.19, 455B.104, and 455B.433, Code 2011, are amend
34 33 as follows:
34 34 1. By striking from the sections the words "grow Iowa
34 35 values fund" and inserting in lieu thereof the words "economic



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35 1 progress fund".

35 2 2. By striking from the sections the words "grow Iowa values
35 3 financial assistance program" and inserting in lieu thereof the
35 4 words "economic progress financial assistance program".

35 5 Sec. 80. CODE EDITOR DIRECTIVE.

35 6 1. To the extent not amended or identified by the provisions
35 7 of this Act, the Code editor is directed to correct all
35 8 internal references to the economic development board, the
35 9 department of economic development, the director of the
35 10 department of economic development, the grow Iowa values
35 11 fund, and the grow Iowa values financial assistance program
35 12 by replacing such references with references to the economic
35 13 progress authority, the director of the economic progress
35 14 authority, the economic progress fund, and the economic
35 15 progress financial assistance program, as is appropriate to
35 16 the context and to the extent that such corrections are in
35 17 conformance with the intent of this Act.

35 18 2. The Code editor is also directed to correct in the same
35 19 manner all similar references in any enacted Iowa Acts as
35 20 necessary.

35 21 EXPLANATION

35 22 This bill relates to economic development by reorganizing
35 23 the executive branch agencies created to administer economic
35 24 development programs.

35 25 Currently, the state's economic development programs are
35 26 administered by the department of economic development which
35 27 is subject to the oversight of the economic development board.
35 28 Division I of the bill eliminates both the department and the
35 29 board and creates in their place the partnership for economic
35 30 progress, the economic progress authority, and the economic
35 31 progress corporation.

35 32 The division creates the partnership for economic progress
35 33 to serve as an advisory body within state government. The
35 34 partnership must function on a continuing basis for the study
35 35 and recommendation of solutions and policy alternatives arising



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36 1 in the area of economic development. The partnership is
36 2 comprised of seven members appointed by the governor. To the
36 3 extent possible, the governor must appoint persons with private
36 4 sector economic development experience. Members are appointed
36 5 for staggered two=year terms. Members are entitled to per
36 6 diems and must give bond as required in Code chapter 64. The
36 7 governor, or if the governor so designates, the lieutenant
36 8 governor serves as the chairperson of the partnership.
36 9 Meetings are to be held at least quarterly. The partnership
36 10 has the power to call and hold meetings, keep records, and
36 11 develop a strategic vision for economic development in Iowa.
36 12 This vision must be submitted to the authority and the general
36 13 assembly by January 31 of each year for their consideration.
36 14 The division creates the economic progress authority as
36 15 a public instrumentality and agency of the state exercising
36 16 public and essential governmental functions to undertake
36 17 programs which implement economic development policy in
36 18 the state and to undertake certain finance programs. The
36 19 authority is the successor entity to the department of economic
36 20 development, which is eliminated, and all of the existing
36 21 duties of the department pass to the authority. The powers of
36 22 the authority are vested in a board of seven members appointed
36 23 by the governor and subject to confirmation by the senate. The
36 24 board also has four ex officio nonvoting legislative members,
36 25 two senators and two representatives appointed by legislative
36 26 leaders. To the extent possible, the members of the board are
36 27 to be persons actively employed in the private sector or who
36 28 otherwise have expertise in economic development. Members of
36 29 the board serve staggered terms of four years. Members are
36 30 entitled to per diems and must give bond as required in Code
36 31 chapter 64. The assets and earnings of the authority, beyond
36 32 those necessary for the retirement of financial obligations or
36 33 to implement required programs, inure to the benefit of the
36 34 state. Members of the authority, while acting within the scope
36 35 of their agency or employment, are not subject to personal



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37 1 liability. Conflicts of interest arising from the actions of
37 2 the authority are not permitted.
37 3 The division provides the authority certain general powers
37 4 that are necessary and convenient for purposes of carrying out
37 5 its duties. Such powers include the power to issue bonds, sue
37 6 and be sued, have a seal, make bylaws, enter into contracts,
37 7 adopt rules, acquire property interests, procure insurance,
37 8 charge fees for its services, invest moneys of the authority,
37 9 accept appropriations and other forms of financial assistance
37 10 from various sources, provide technical assistance to public
37 11 and private entities, conduct research, form committees or
37 12 panels, establish funds within the state treasury for investing
37 13 money, provide assistance to select projects, and to exercise
37 14 all powers typically exercised by private enterprises engaged
37 15 in business pursuits unless the exercise of such power would
37 16 be a violation of law.
37 17 The division also provides certain specific program powers
37 18 necessary and convenient to carry out programs. Such powers
37 19 include the power to make contracts for the delegation of
37 20 services to the economic progress corporation. The functions
37 21 that can be delegated include marketing, policy research,
37 22 economic analysis, market expansion, and consulting services.
37 23 Essential governmental functions and sovereign powers of the
37 24 state may not be delegated. The contracts may provide for
37 25 compensation at fair market value.
37 26 The division provides that the board of the authority must
37 27 appoint a director for the authority. The director is to be
37 28 selected primarily for administrative ability and not based on
37 29 political affiliation. The director is to advise the authority
37 30 on matters relating to economic development and is to carry out
37 31 all directives from the board in regard to the operation of the
37 32 authority. The director must designate certain employees as
37 33 key professional personnel and must fix their compensation.
37 34 Other employees of the authority may be professional or
37 35 nonprofessional. Nonprofessional employees must be employed



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38 1 consistent with Code chapter 8A, subchapter IV. Professional
38 2 employees are exempt from Code chapter 8A, subchapter IV and
38 3 Code chapter 20.

38 4 The division provides the authority the power to issue bonds
38 5 and notes. Such bonds and notes must be issued solely from
38 6 the moneys of the authority. The authority may not pledge the
38 7 credit of the state. The issuance of bonds and notes requires
38 8 a resolution of the authority. However, such a resolution may
38 9 delegate to an officer of the authority the power to negotiate
38 10 the details of such transactions. Certain standard statutory
38 11 requirements for the issuance of bonds are provided.

38 12 The division provides for the establishment of the economic
38 13 progress corporation by the authority. The corporation is to
38 14 be established as a nonprofit corporation organized under Code
38 15 chapter 504 and qualifying as exempt under section 501(c)(3) of
38 16 the Internal Revenue Code. The corporation must collaborate
38 17 with the authority, but is not to be considered, in whole or
38 18 in part, an agency, department, or administrative unit of the
38 19 state. The corporation cannot receive appropriations from
38 20 the general assembly and is not required to comply with any
38 21 requirements that apply to a state agency. The corporation
38 22 does not have authority to pledge the credit of the state and
38 23 the state is not liable for the debts or obligations of the
38 24 corporation. The corporation is to be established for the
38 25 purpose of expanding economic development opportunities in
38 26 Iowa and may effectuate this purpose by performing certain
38 27 functions delegated to it by the authority. The articles of
38 28 the corporation must provide for its efficient management by a
38 29 board of directors to be initially appointed by the governor
38 30 and thereafter selected by a majority vote of the corporation's
38 31 board members and a chief executive officer appointed by the
38 32 corporation's board.

38 33 The division provides that the chief executive officer must
38 34 act to ensure that the corporation creates a strategic plan,
38 35 prepares an annual budget, and provides an annual report to the



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39 1 economic progress authority.

39 2 The division authorizes the corporation to receive and
39 3 expend funds from public and private sources and to use its
39 4 resources for the purpose of performing the duties assigned to
39 5 it.

39 6 The corporation is required to keep confidential all
39 7 information disclosed to it by the authority as part of a
39 8 contract for services.

39 9 The division provides that the corporation perform certain
39 10 duties and responsibilities related to its activities under
39 11 contract with the authority and to economic development in
39 12 general.

39 13 On or before January 31 of each year, the director of
39 14 the authority is to submit a report to the members of the
39 15 authority. This report may include the information deemed
39 16 necessary by the director, but must include certain information
39 17 related to targeted small business procurement activities.

39 18 The division repeals certain provisions in Code chapter
39 19 15E relating to a nonprofit corporation operated under the
39 20 authority of the department of economic development.

39 21 The division provides for the continuing validity of rules
39 22 promulgated by the department of economic development and
39 23 allows for their enforcement by the authority. As soon as
39 24 practicable, the authority is required to adopt new rules
39 25 issued under its own rulemaking authority.

39 26 The division provides for the continuance of financial
39 27 assistance provided under the programs administered by the
39 28 department of economic development.

39 29 Division II of the bill makes certain program changes of more
39 30 significance than the conforming changes in division III.

39 31 Division II repeals Code chapter 10C relating to life
39 32 science products and enterprises.

39 33 Division II changes the name of the grow Iowa values fund and
39 34 financial assistance program to the economic progress fund and
39 35 financial assistance program.



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40 1 Division II also changes the membership and organizational
40 2 structure of the Iowa commission on volunteer service.
40 3 Currently, the commission is created within the governor's
40 4 office and is comprised of certain appointed members. The
40 5 division creates the commission within the authority. The
40 6 commission's responsibilities, funding, and programs are not
40 7 changed in the division.

40 8 Division II also provides that the authority must work
40 9 in consultation with the departments of education, revenue,
40 10 and workforce development in the adoption of rules for the
40 11 industrial new jobs training program described in Code chapter
40 12 260E. The authority must also monitor compliance of community
40 13 colleges participating in the program and compile a report on
40 14 its effectiveness.

40 15 Division III moves the office of energy independence to the
40 16 economic progress authority, makes certain conforming changes,
40 17 and provides transition provisions related to employees,
40 18 grants, and financial assistance. The division provides
40 19 for emergency rulemaking by the authority relating to the
40 20 provisions of the bill. Certain provisions of the division
40 21 take effect upon enactment.

40 22 Division IV makes certain changes in conformance with the
40 23 provisions of division I and directs the Code editor to correct
40 24 internal references to the eliminated entities and renamed fund
40 25 and program throughout the Code.

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House Study Bill 104

HOUSE FILE
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act making changes relating to the administration of the
2 tax and related laws by updating the Code references to
3 the Internal Revenue Code and including effective date and
4 retroactive applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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tw/sc



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1 1 DIVISION I
1 2 INTERNAL REVENUE CODE REFERENCES
1 3 Section 1. Section 422.3, subsection 5, Code 2011, is
1 4 amended to read as follows:
1 5 5. "Internal Revenue Code" means the Internal Revenue Code
1 6 of 1954, prior to the date of its redesignation as the Internal
1 7 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 8 the Internal Revenue Code of 1986 as amended to and including
1 9 January 1, ~~2008~~ 2011.
1 10 Sec. 2. Section 422.7, subsection 29A, Code 2011, is amended
1 11 by striking the subsection.
1 12 Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2011,
1 13 is amended to read as follows:
1 14 i. The deduction for state sales and use taxes is allowable
1 15 only if the taxpayer elected to deduct the state sales and use
1 16 taxes in lieu of state income taxes under section 164 of the
1 17 Internal Revenue Code. A deduction for state sales and use
1 18 taxes is not allowed if the taxpayer has taken the deduction
1 19 for state income taxes or claimed the standard deduction under
1 20 section 63 of the Internal Revenue Code. This paragraph
1 21 applies to taxable years beginning after December 31, 2003, and
1 22 before January 1, ~~2006~~ 2008, and to taxable years beginning
1 23 after December 31, 2009, and before January 1, 2012.
1 24 Sec. 4. Section 422.32, subsection 7, Code 2011, is amended
1 25 to read as follows:
1 26 7. "Internal Revenue Code" means the Internal Revenue Code
1 27 of 1954, prior to the date of its redesignation as the Internal
1 28 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
1 29 the Internal Revenue Code of 1986 as amended to and including
1 30 January 1, ~~2008~~ 2011.
1 31 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of this
1 32 Act, being deemed of immediate importance, takes effect upon
1 33 enactment.
1 34 Sec. 6. RETROACTIVE APPLICABILITY. The following provision
1 35 or provisions of this division of this Act apply retroactively



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2 1 to January 1, 2010, for tax years beginning on or after that
2 2 date:

2 3 1. The section of this Act amending section 422.3.

2 4 2. The section of this Act amending section 422.32.

2 5 Sec. 7. RETROACTIVE APPLICABILITY. The following provision
2 6 or provisions of this division of this Act apply retroactively
2 7 to January 1, 2011, for tax years beginning on or after that
2 8 date:

2 9 1. The section of this Act amending section 422.7,
2 10 subsection 29A.

2 11 Sec. 8. RETROACTIVE APPLICABILITY. The following provision
2 12 or provisions of this division of this Act apply retroactively
2 13 to tax years beginning on or after January 1, 2004, but before
2 14 January 1, 2008, and to tax years beginning on or after January
2 15 1, 2010, but before January 1, 2012:

2 16 1. The section of this Act amending section 422.9.

2 17 DIVISION II

2 18 RESEARCH ACTIVITIES CREDIT

2 19 Sec. 9. Section 15.335, subsection 4, Code 2011, is amended
2 20 to read as follows:

2 21 4. a. In lieu of the credit amount computed in subsection
2 22 2, an eligible business may elect to compute the credit amount
2 23 for qualified research expenses incurred in this state in a
2 24 manner consistent with the alternative ~~incremental~~ simplified
2 25 credit described in section ~~41(c)(4)~~ 41(c)(5) of the Internal
2 26 Revenue Code. The taxpayer may make this election regardless
2 27 of the method used for the taxpayer's federal income tax. The
2 28 election made under this paragraph is for the tax year and the
2 29 taxpayer may use another or the same method for any subsequent
2 30 year.

2 31 b. For purposes of the alternate credit computation
2 32 method in paragraph "a", the credit percentages applicable to
2 33 qualified research expenses described in ~~clauses (i), (ii),~~
~~2 34 and (iii) of section 41(c)(4)(A)~~ 41(c)(5)(A) and clause (ii)
2 35 of section 41(c)(5)(B) of the Internal Revenue Code are as



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3 1 follows:

3 2 (1) In the case of an eligible business whose gross revenues
3 3 do not exceed twenty million dollars per year, the credit
3 4 percentages are ~~two and fifty-four hundredths percent, three~~
~~3 5 and thirty-eight hundredths percent, and four and twenty-three~~
~~3 6 hundredths~~ seven percent and three percent, respectively.

3 7 (2) In the case of an eligible business whose gross revenues
3 8 exceed twenty million dollars per year, the credit percentages
3 9 are ~~seventy-six hundredths percent, one and two hundredths~~
~~3 10 percent, and one and twenty-seven hundredths~~ two and one-tenth
3 11 percent and nine-tenths percent, respectively.

3 12 Sec. 10. Section 15.335, subsection 7, Code 2011, is amended
3 13 to read as follows:

3 14 7. a. For purposes of this section, "base amount", "basic
3 15 research payment", and "qualified research expense" mean the
3 16 same as defined for the federal credit for increasing research
3 17 activities under section 41 of the Internal Revenue Code,
3 18 except that for the alternative ~~incremental~~ simplified credit
3 19 such amounts are for research conducted within this state.

3 20 b. For purposes of this section, "Internal Revenue Code"
3 21 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~3 22~~ 2011.

3 23 Sec. 11. Section 15A.9, subsection 8, paragraphs b, c, and
3 24 e, Code 2011, are amended to read as follows:

3 25 b. In lieu of the credit amount computed in paragraph "a",
3 26 subparagraph (1), subparagraph division (a), a business may
3 27 elect to compute the credit amount for qualified research
3 28 expenses incurred in this state within the zone in a manner
3 29 consistent with the alternative ~~incremental~~ simplified credit
3 30 described in section ~~41(e)(4)~~ 41(c)(5) of the Internal Revenue
3 31 Code. The taxpayer may make this election regardless of
3 32 the method used for the taxpayer's federal income tax. The
3 33 election made under this paragraph is for the tax year and the
3 34 taxpayer may use another or the same method for any subsequent
3 35 year.



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4 1 c. For purposes of the alternate credit computation
4 2 method in paragraph "b", the credit percentages applicable to
4 3 qualified research expenses described in ~~clauses (i), (ii), and~~
~~4 4 (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause (ii) of~~
4 5 section 41(c)(5)(B) of the Internal Revenue Code are three and
~~4 6 thirty hundredths percent, four and forty hundredths percent,~~
~~4 7 and five and fifty hundredths percent, respectively as follows:~~
4 8 (1) In the case of an eligible business whose gross revenues
4 9 do not exceed twenty million dollars per year, the credit
4 10 percentages are seven percent and three percent, respectively.
4 11 (2) In the case of an eligible business whose gross revenues
4 12 exceed twenty million dollars per year, the credit percentages
4 13 are two and one-tenths percent and nine-tenths percent,
4 14 respectively.
4 15 e. (1) For the purposes of this subsection, "base amount",
4 16 "basic research payment", and "qualified research expense" mean
4 17 the same as defined for the federal credit for increasing
4 18 research activities under section 41 of the Internal Revenue
4 19 Code, except that for the alternative ~~incremental~~ simplified
4 20 credit such amounts are for research conducted within this
4 21 state within the zone.
4 22 (2) For purposes of this subsection, "Internal Revenue Code"
4 23 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~4 24 2011.~~
4 25 Sec. 12. Section 422.10, subsection 1, paragraphs b and c,
4 26 Code 2011, are amended to read as follows:
4 27 b. In lieu of the credit amount computed in paragraph "a",
4 28 subparagraph (1), subparagraph division (a), a taxpayer may
4 29 elect to compute the credit amount for qualified research
4 30 expenses incurred in this state in a manner consistent with the
4 31 alternative ~~incremental~~ simplified credit described in section
4 32 ~~41(c)(4)~~ 41(c)(5) of the Internal Revenue Code. The taxpayer
4 33 may make this election regardless of the method used for the
4 34 taxpayer's federal income tax. The election made under this
4 35 paragraph is for the tax year and the taxpayer may use another



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5 1 or the same method for any subsequent year.

5 2 c. For purposes of the alternate credit computation

5 3 method in paragraph "b", the credit percentages applicable

5 4 to qualified research expenses described in ~~clauses (i),~~

~~5 5 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~

5 6 (ii) of section 41(c)(5)(B) of the Internal Revenue Code

5 7 are ~~one and sixty-five hundredths percent, two and twenty~~

~~5 8 hundredths percent, and two and seventy-five hundredths four~~

5 9 ~~and fifty-five hundredths percent and one and ninety-five~~

5 10 ~~hundredths percent, respectively.~~

5 11 Sec. 13. Section 422.10, subsection 3, Code 2011, is amended

5 12 to read as follows:

5 13 3. a. For purposes of this section, "base amount", "basic

5 14 research payment", and "qualified research expense" mean the

5 15 same as defined for the federal credit for increasing research

5 16 activities under section 41 of the Internal Revenue Code,

5 17 except that for the alternative ~~incremental~~ simplified credit

5 18 such amounts are for research conducted within this state.

5 19 b. For purposes of this section, "Internal Revenue Code"

5 20 means the Internal Revenue Code in effect on January 1, ~~2009~~

~~5 21 2011.~~

5 22 Sec. 14. Section 422.33, subsection 5, paragraphs b, c, and

5 23 d, Code 2011, are amended to read as follows:

5 24 b. In lieu of the credit amount computed in paragraph

5 25 "a", subparagraph (1), a corporation may elect to compute the

5 26 credit amount for qualified research expenses incurred in this

5 27 state in a manner consistent with the alternative ~~incremental~~

~~5 28 simplified credit described in section 41(c)(4) 41(c)(5) of the~~

5 29 Internal Revenue Code. The taxpayer may make this election

5 30 regardless of the method used for the taxpayer's federal income

5 31 tax. The election made under this paragraph is for the tax

5 32 year and the taxpayer may use another or the same method for

5 33 any subsequent year.

5 34 c. For purposes of the alternate credit computation

5 35 method in paragraph "b", the credit percentages applicable



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6 1 to qualified research expenses described in ~~clauses (i),~~
~~6 2 (ii), and (iii) of section 41(c)(4)(A) 41(c)(5)(A) and clause~~
6 3 (ii) of section 41(c)(5)(B) of the Internal Revenue Code
6 4 ~~are one and sixty-five hundredths percent, two and twenty~~
~~6 5 hundredths percent, and two and seventy-five hundredths~~ four
6 6 and fifty-five hundredths percent and one and ninety-five
6 7 hundredths percent, respectively.
6 8 d. (1) For purposes of this subsection, "base amount",
6 9 "basic research payment", and "qualified research expense" mean
6 10 the same as defined for the federal credit for increasing
6 11 research activities under section 41 of the Internal Revenue
6 12 Code, except that for the alternative ~~incremental~~ simplified
6 13 credit such amounts are for research conducted within this
6 14 state.
6 15 (2) For purposes of this subsection, "Internal Revenue Code"
6 16 means the Internal Revenue Code in effect on January 1, ~~2009~~
~~6 17 2011.~~
6 18 Sec. 15. EFFECTIVE UPON ENACTMENT. This division of this
6 19 Act, being deemed of immediate importance, takes effect upon
6 20 enactment.
6 21 Sec. 16. RETROACTIVE APPLICABILITY. The following
6 22 provision or provisions of this division of this Act apply
6 23 retroactively to July 1, 2010, for tax credits awarded on or
6 24 after that date:
6 25 1. The section of this Act amending section 15.335,
6 26 subsection 4.
6 27 2. The section of this Act amending section 15A.9.
6 28 Sec. 17. RETROACTIVE APPLICABILITY. The following
6 29 provision or provisions of this division of this Act apply
6 30 retroactively to January 1, 2010, for tax years beginning on
6 31 or after that date:
6 32 1. The section of this Act amending section 15.335,
6 33 subsection 7.
6 34 2. The section of this Act amending section 422.10,
6 35 subsection 1.



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7 1 3. The section of this Act amending section 422.10,
7 2 subsection 3.

7 3 4. The section of this Act amending section 422.33.

7 4 EXPLANATION

7 5 This bill updates Iowa Code references to the Internal
7 6 Revenue Code and provides for changes to the Iowa research
7 7 activities credit provisions.

7 8 Division I of the bill updates references in Code sections
7 9 422.3 and 422.32 to the Internal Revenue Code, making certain
7 10 federal income tax revisions enacted by Congress in 2008,
7 11 2009, and 2010 applicable for purposes of the corporate and
7 12 individual income taxes and the franchise tax. These revisions
7 13 only apply to tax years beginning on or after January 1, 2010,
7 14 and do not include tax years beginning after December 31, 2007,
7 15 and before January 1, 2010.

7 16 The division strikes Code section 422.7, subsection 29A,
7 17 which provided an exclusion from income of the value of health
7 18 care coverage of a nonqualified tax dependent up to the age
7 19 of 25. The federal Patient Protection and Affordable Care
7 20 Act, Pub. L. No. 111-148, provides for the exclusion from
7 21 income of the value of health care coverage of a nonqualified
7 22 tax dependent up to the age of 27, effective March 30, 2010.
7 23 Because the bill now couples Iowa with the Internal Revenue
7 24 Code with regard to this provision, Code section 422.7,
7 25 subsection 29A, is no longer necessary for tax years beginning
7 26 on or after January 1, 2011. This change applies retroactively
7 27 to that date.

7 28 Currently, in certain circumstances, Code section
7 29 422.9(2)(i) provides individuals a deduction from net income
7 30 (also known as a "below-the-line" deduction) for state sales
7 31 and use taxes in lieu of a deduction for income taxes. This
7 32 deduction was only available for taxable years beginning
7 33 after December 31, 2003, and before January 1, 2006. The
7 34 division extends this deduction to tax years beginning after
7 35 December 31, 2003, and before January 1, 2008, and to tax years



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8 1 beginning after December 31, 2009, and before January 1, 2012.
8 2 Division II of the bill amends certain Code sections
8 3 relating to the state research activities tax credit for
8 4 individuals, corporations, corporations in economic development
8 5 areas, and corporations in quality jobs enterprise zones. The
8 6 division updates Iowa Code references to the Internal Revenue
8 7 Code for purposes of coupling with changes to the federal
8 8 research activities tax credit.
8 9 The division also makes certain changes relating to the
8 10 alternative incremental research tax credit. Because this
8 11 tax credit was repealed for federal tax purposes, the bill
8 12 removes references to it from the Iowa Code and replaces them
8 13 with an alternative simplified research tax credit for Iowa
8 14 tax purposes based upon the new federal alternative simplified
8 15 credit. The amendments to Code section 15.335, subsection
8 16 4, and Code section 15A.9 relate to this change and apply
8 17 retroactively to July 1, 2010, for tax credits awarded on or
8 18 after that date.
8 19 The division also makes certain changes in the calculation
8 20 of the additional research activities credit that depend on
8 21 whether an eligible business has \$20 million or more in gross
8 22 revenues. These changes only apply to tax years beginning
8 23 on or after January 1, 2010, and do not include tax years
8 24 beginning after December 31, 2008, and before January 1, 2010.
8 25 Both divisions of the bill take effect upon enactment.

LSB 2210YC (1) 84

tw/sc



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House Study Bill 105

HOUSE FILE

BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act eliminating specified provisions relating to the
2 administration of the replacement tax for new cogeneration
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLNB 2082YC (3) 84

rn/nh



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House Study Bill 105 continued

PAG LIN

1 1 Section 1. Section 437A.3, subsection 1, paragraph b, Code
1 2 2011, is amended by striking the paragraph.

1 3 Sec. 2. Section 437A.3, subsection 4, paragraph b, Code
1 4 2011, is amended by striking the paragraph.

1 5 Sec. 3. Section 437A.3, subsection 11, paragraph b,
1 6 subparagraphs (1) and (2), Code 2011, are amended to read as
1 7 follows:

1 8 (1) An electric power generating plant that is owned by
1 9 or leased to an electric company, electric cooperative, or
1 10 municipal utility, ~~or any other taxpayer~~, and that initially
1 11 generates electricity subject to replacement generation tax
1 12 under section 437A.6 on or after January 1, 2003.

1 13 (2) An electric power generating plant that is owned by
1 14 or leased to an electric company, electric cooperative, or
1 15 municipal utility, ~~or any other taxpayer~~, that initially
1 16 generated electricity subject to replacement generation tax
1 17 under section 437A.6 before January 1, 2003, and that is sold,
1 18 leased, or transferred, in full or in part, on or after January
1 19 1, 2003. If any portion of an electric power generating plant
1 20 is sold, the entire plant shall be treated as if it were a new
1 21 electric power generating plant.

1 22 Sec. 4. Section 437A.5, subsection 1, paragraph c,
1 23 unnumbered paragraph 3, Code 2011, is amended to read as
1 24 follows:

1 25 If the new electric power generating plant is part of a
1 26 cogeneration facility ~~or new cogeneration facility~~, the natural
1 27 gas delivery rate for that plant shall be the lesser of the
1 28 natural gas delivery rate established in this paragraph "c" or
1 29 the rate per therm of natural gas as in effect at the time of
1 30 the initial natural gas deliveries to the plant for the natural
1 31 gas competitive service area where the new electric power
1 32 generating plant is located.

1 33 Sec. 5. Section 437A.8, subsection 4, paragraph d,
1 34 unnumbered paragraph 2, Code 2011, is amended by striking the
1 35 unnumbered paragraph.



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House Study Bill 105 continued

2 1 Sec. 6. Section 437A.14, subsection 4, paragraph b, Code
2 2 2011, is amended by striking the paragraph.
2 3 Sec. 7. Section 437A.15, subsection 7, Code 2011, is amended
2 4 by striking the subsection.
2 5 Sec. 8. Section 437A.18, Code 2011, is amended to read as
2 6 follows:
2 7 437A.18 Tax imposition.
2 8 An annual statewide property tax of three cents per one
2 9 thousand dollars of assessed value is imposed upon all property
2 10 described in ~~sections~~ section 437A.16 ~~and 437A.16A~~ on the
2 11 assessment date of January 1.
2 12 Sec. 9. Section 437A.19, subsection 1, paragraph a,
2 13 subparagraph (8), Code 2011, is amended by striking the
2 14 subparagraph.
2 15 Sec. 10. Section 437A.19, subsection 2, paragraph e, Code
2 16 2011, is amended to read as follows:
2 17 e. In addition to reporting the assessed values as described
2 18 in this subsection, the director, on or before October 31 of
2 19 each assessment year, shall also report to the department of
2 20 management and to the auditor of each county the taxable value
2 21 of taxpayer property as of January 1 of such assessment year
2 22 for each local taxing district. For purposes of this chapter,
2 23 "taxable value" means the value for all property subject to
2 24 the replacement tax annually determined by the director, by
2 25 dividing the estimated annual replacement tax liability for
2 26 that property by the ~~current fiscal~~ prior year's consolidated
2 27 taxing district rate for the taxing district where that
2 28 property is located, then multiplying the quotient by one
2 29 thousand. A taxpayer who paid more than five hundred thousand
2 30 dollars in replacement tax in the previous tax year or who
2 31 believes the taxpayer's replacement tax liability will vary
2 32 more than ten percent from the previous tax year shall report
2 33 to the director by October 1 of the current calendar year, on
2 34 forms prescribed by the director, the estimated replacement tax
2 35 liability that will be attributable to all of the taxpayer's



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3 1 property subject to replacement tax for the current tax
3 2 year. The department shall utilize the estimated replacement
3 3 tax liability as reported by the taxpayer or the taxpayer's
3 4 prior year's replacement tax amounts to estimate the current
3 5 tax year's taxable value for that property. Furthermore, a
3 6 taxpayer who has a new major addition of operating property
3 7 which is put into service for the first time in the current
3 8 calendar year shall report to the director by October 1 of the
3 9 current calendar year, or at the time the major addition is
3 10 put into service, whichever time is later, on forms prescribed
3 11 by the director, the cost of the major addition and, if not
3 12 previously reported, shall report the estimated replacement
3 13 taxes which that asset will generate in the current calendar
3 14 year. For the purposes of computing the taxable value of
3 15 property in a taxing district, the taxing district's share of
3 16 the estimated replacement tax liability shall be the taxing
3 17 district's percentage share of the "assessed value allocated
3 18 by property tax equivalent" multiplied by the total estimated
3 19 replacement tax. "Assessed value allocated by property tax
3 20 equivalent" shall be determined by dividing the taxpayer's
3 21 current year assessed valuation in a taxing district by one
3 22 thousand, and then multiplying by the prior year's consolidated
3 23 tax rate.

3 24 Sec. 11. REPEAL. Section 437A.16A, Code 2011, is repealed.

3 25 EXPLANATION

3 26 This bill deletes provisions relating to the imposition of a
3 27 replacement tax on electricity and natural gas providers which
3 28 were enacted during the 2010 Legislative Session in Senate File
3 29 2373.

3 30 The deleted provisions include adding a definition of a new
3 31 cogeneration facility and providing a means for allocating
3 32 the assessed value of a new cogeneration facility between
3 33 property of the facility that is subject to local assessment
3 34 and the property of the facility that is subject to the
3 35 replacement tax, and to exempt from property tax the value



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4 1 of the property subject to the replacement tax by applying a
4 2 credit representing the value of such exempt property against
4 3 the total value of the facility. The deleted provisions also
4 4 include provisions relating to determination of the natural
4 5 gas delivery rate applicable to new cogeneration facilities,
4 6 and provisions in Code section 437A.18 applying the statewide
4 7 property tax to property of a new cogeneration facility.
4 8 Additionally, the bill deletes a provision in the definition
4 9 of an electric power generating plant that such a plant may be
4 10 owned by or leased to "any other taxpayer", in addition to an
4 11 electric company, electric cooperative, or municipal utility.
4 12 Also deleted is a mechanism for refunding or crediting excess
4 13 replacement taxes, penalties, and interest paid into the
4 14 property tax relief fund established in Code section 426B.1 by
4 15 a new electric power generating plant, a provision applying
4 16 existing provisions regarding claims for refunds and credits
4 17 contained in Code section 437A.14 and stating that the director
4 18 of revenue shall have sole discretion regarding whether a
4 19 refund will be paid versus a credit granted.
4 20 Further, the bill deletes outdated provisions establishing
4 21 a utility replacement tax task force, a requirement that
4 22 taxpayers report to the director any gas or transmission
4 23 property that had been acquired at a cost of more than \$1
4 24 million and disposed of in the preceding calendar year, and
4 25 a provision, with reference to determining and reporting the
4 26 taxable value of property subject to the replacement tax,
4 27 that calculations will utilize the current fiscal year's
4 28 consolidated taxing district rate for the taxing district where
4 29 the property is located, rather than the prior fiscal year's
4 30 rate.

LSB 2082YC (3) 84

rn/nh



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Senate Amendment 3011

PAG LIN

1 1 Amend Senate File 209 as follows:
1 2 #1. Page 20, after line 5 by inserting:
1 3 <Sec. _____. 2010 Iowa Acts, chapter 1193, section
1 4 84, subsection 2, is amended to read as follows:
1 5 2. DEPARTMENT OF REVENUE
1 6 For the duties of the office of the state debt
1 7 coordinator established in 2010 Iowa Acts, Senate
1 8 File 2383, if enacted, including salaries, support,
1 9 maintenance, services, advertising, miscellaneous
1 10 purposes, and for not more than the following full-time
1 11 equivalent positions:
1 12 \$ 300,000
1 13 FTEs 3.00
1 14 Beginning on the effective date of this 2011 Iowa
1 15 Act, moneys appropriated in this subsection that
1 16 remain unencumbered or unobligated shall be used by
1 17 the department of revenue for the administrative costs
1 18 associated with state tax processing.>
1 19 #2. By renumbering as necessary.

ROBERT E. DVORSKY
SF209.493 (3) 84
jp/tm



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Senate Amendment 3012

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 8, by striking lines 28 through 33.
1 5 #2. Page 9, by striking lines 2 through 7.
1 6 #3. Page 9, by striking lines 16 through 18 and
1 7 inserting:
1 8 <Sec. _____. EFFECTIVE UPON ENACTMENT. The provision
1 9 of this division of this Act amending 2010 Iowa Acts,
1 10 chapter 1189, section 28, being deemed of immediate
1 11 importance, takes effect upon enactment.>
1 12 #4. By renumbering as necessary.

ROBERT M. HOGG

JOE BOLKCOM

STEVEN SODDERS

WALLY E. HORN

WILLIAM DOTZLER
S3009.483 (2) 84
jp/tm



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Senate Amendment 3013

PAG LIN

1 1 Amend the amendment, S=3009, to House File 45,
1 2 as amended, passed, and reprinted by the House, as
1 3 follows:
1 4 #1. Page 2, by striking lines 19 through 26.
1 5 #2. By striking page 3, line 46, through page 4,
1 6 line 5, and inserting:
1 7 <Sec. _____. Section 8A.321, subsection 6, paragraph
1 8 a, Code 2011, is amended to read as follows:
1 9 a. Lease all buildings and office space necessary
1 10 to carry out the provisions of this subchapter or
1 11 necessary for the proper functioning of any state
1 12 agency at the seat of government. For state agencies
1 13 at the seat of government, the director may lease
1 14 buildings and office space in Polk county or in a
1 15 county contiguous to Polk county. If no specific
1 16 appropriation has been made, the proposed lease
1 17 shall be submitted to the executive council for
1 18 approval. The cost of any lease for which no specific
1 19 appropriation has been made shall be paid from the
1 20 fund provided in section 7D.29. An office space
1 21 lease shall not be terminated at a time when either
1 22 contract damages or early termination penalties may be
1 23 applicable for doing so.>
1 24 #3. By renumbering as necessary.

MATT McCOY

SHAWN HAMERLINCK
S3009.482 (2) 84
jp/tm



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Senate File 226 - Introduced

SENATE FILE
BY DANIELSON

A BILL FOR

1 An Act relating to the licensure of orthotists, prosthetists,
2 and pedorthists and providing for fees and penalties.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2240SS (5) 84
jr/nh



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Senate File 226 - Introduced continued

PAG LIN

1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
1 2 are amended to read as follows:

1 3 3. "Licensed" or "certified", when applied to a physician
1 4 and surgeon, podiatric physician, osteopathic physician and
1 5 surgeon, physician assistant, psychologist, chiropractor,
1 6 nurse, dentist, dental hygienist, dental assistant,
1 7 optometrist, speech pathologist, audiologist, pharmacist,
1 8 physical therapist, physical therapist assistant, occupational
1 9 therapist, occupational therapy assistant, orthotist,
1 10 prosthetist, pedorthist, respiratory care practitioner,
1 11 practitioner of cosmetology arts and sciences, practitioner
1 12 of barbering, funeral director, dietitian, marital and
1 13 family therapist, mental health counselor, social worker,
1 14 massage therapist, athletic trainer, acupuncturist, nursing
1 15 home administrator, hearing aid dispenser, or sign language
1 16 interpreter or transliterator means a person licensed under
1 17 this subtitle.

1 18 6. "Profession" means medicine and surgery, podiatry,
1 19 osteopathic medicine and surgery, practice as a physician
1 20 assistant, psychology, chiropractic, nursing, dentistry,
1 21 dental hygiene, dental assisting, optometry, speech pathology,
1 22 audiology, pharmacy, physical therapy, physical therapist
1 23 assisting, occupational therapy, occupational therapy
1 24 assisting, respiratory care, cosmetology arts and sciences,
1 25 barbering, mortuary science, marital and family therapy, mental
1 26 health counseling, social work, dietetics, massage therapy,
1 27 athletic training, acupuncture, nursing home administration,
1 28 hearing aid dispensing, ~~or~~ sign language interpreting or
1 29 transliterating, orthotics, prosthetics, or pedorthics.

1 30 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
1 31 to read as follows:

1 32 1. A person shall not engage in the practice of medicine
1 33 and surgery, podiatry, osteopathic medicine and surgery,
1 34 psychology, chiropractic, physical therapy, physical
1 35 therapist assisting, nursing, dentistry, dental hygiene,



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2 1 dental assisting, optometry, speech pathology, audiology,
2 2 occupational therapy, occupational therapy assisting,
2 3 orthotics, prosthetics, pedorthics, respiratory care,
2 4 pharmacy, cosmetology arts and sciences, barbering, social
2 5 work, dietetics, marital and family therapy or mental health
2 6 counseling, massage therapy, mortuary science, athletic
2 7 training, acupuncture, nursing home administration, hearing aid
2 8 dispensing, or sign language interpreting or transliterating,
2 9 or shall not practice as a physician assistant, unless the
2 10 person has obtained a license for that purpose from the board
2 11 for the profession.

2 12 Sec. 3. Section 147.13, Code 2011, is amended by adding the
2 13 following new subsection:

2 14 NEW SUBSECTION. 24. For orthotics, prosthetics, and
2 15 pedorthics, the board of orthotics, prosthetics, and
2 16 pedorthics.

2 17 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
2 18 by adding the following new paragraph:

2 19 NEW PARAGRAPH. x. For the board of orthotics, prosthetics,
2 20 and pedorthics, three persons licensed to practice orthotics,
2 21 prosthetics, or pedorthics who have engaged in the practice
2 22 of orthotics, prosthetics, or pedorthics in Iowa for at least
2 23 three years immediately preceding their appointment to the
2 24 board and two members who are not licensed to practice and who
2 25 shall represent the general public.

2 26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
2 27 following new subsection:

2 28 NEW SUBSECTION. 24. a. An orthotist licensed under chapter
2 29 148F may use the words "licensed orthotist" after the person's
2 30 name or signify the same by the use of the letters "L.O." after
2 31 the person's name.

2 32 b. A pedorthist licensed under chapter 148F may use the
2 33 words "licensed pedorthist" after the person's name or signify
2 34 the same by the use of the letters "L.ped." after the person's
2 35 name.



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3 1 c. A prosthetist licensed under chapter 148F may use the
3 2 words "licensed prosthetist" after the person's name or signify
3 3 the same by the use of the letters "L.P." after the person's
3 4 name.

3 5 Sec. 6. NEW SECTION. 148F.1 Title and purpose.

3 6 1. This chapter may be cited and referred to as the
3 7 "Orthotics, Prosthetics, and Pedorthics Practice Act".

3 8 2. The purpose of this chapter is to provide for the
3 9 regulation of persons offering orthotic, prosthetic, and
3 10 pedorthic services to the public in order to safeguard the
3 11 public health, safety, and welfare.

3 12 Sec. 7. NEW SECTION. 148F.2 Definitions.

3 13 As used in this chapter:

3 14 1. "Board" means the board of orthotics, prosthetics, and
3 15 pedorthics.

3 16 2. "Orthosis" means a custom=fabricated or custom=fitted
3 17 brace or support designed to provide for alignment, correction,
3 18 or prevention of neuromuscular or musculoskeletal dysfunction,
3 19 disease, injury, or deformity. "Orthosis" does not include
3 20 fabric or elastic supports, corsets, arch supports, low
3 21 temperature plastic splints, trusses, elastic hoses, canes,
3 22 crutches, soft cervical collars, dental appliances, or other
3 23 similar devices carried in stock and sold as "over=the=counter"
3 24 items by a drug store, department store, corset shop, or
3 25 surgical supply facility.

3 26 3. "Orthotic and prosthetic education program" means a course
3 27 of instruction accredited by the commission on accreditation
3 28 of allied health education programs, consisting of both of the
3 29 following:

3 30 a. A basic curriculum of college level instruction in math,
3 31 physics, biology, chemistry, and psychology.

3 32 b. A specific curriculum in orthotic or prosthetic courses,
3 33 including but not limited to:

3 34 (1) Lectures covering pertinent anatomy, biomechanics,
3 35 pathomechanics, prosthetic=orthotic components and materials,



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4 1 training and functional capabilities, prosthetic or orthotic
4 2 performance evaluation, prescription considerations, etiology
4 3 of amputations and disease processes necessitating prosthetic
4 4 or orthotic use, and medical management.
4 5 (2) Subject matter related to pediatric and geriatric
4 6 problems.
4 7 (3) Instruction in acute care techniques, such as immediate
4 8 and early post=surgical prosthetics and fracture bracing
4 9 techniques.
4 10 (4) Lectures, demonstrations, and laboratory experiences
4 11 related to the entire process of measuring, casting, fitting,
4 12 fabricating, aligning, and completing prostheses or orthoses.
4 13 4. "Orthotic and prosthetic scope of practice" means a
4 14 list of tasks, with relative weight given to such factors
4 15 as importance, criticality, and frequency, based on
4 16 internationally accepted standards of orthotic and prosthetic
4 17 care as outlined by the international society of prosthetics
4 18 and orthotics' professional profile for category I and category
4 19 III orthotic and prosthetic personnel.
4 20 5. "Orthotics" means the science and practice of evaluating,
4 21 measuring, designing, fabricating, assembling, fitting,
4 22 adjusting, or servicing an orthosis under an order from a
4 23 licensed physician or podiatric physician for the correction or
4 24 alleviation of neuromuscular or musculoskeletal dysfunction,
4 25 disease, injury, or deformity.
4 26 6. "Orthotist" means a health care professional,
4 27 specifically educated and trained in orthotic patient care,
4 28 who measures, designs, fabricates, fits, or services orthoses
4 29 and may assist in the formulation of the order and treatment
4 30 plan of orthoses for the support or correction of disabilities
4 31 caused by neuromusculoskeletal diseases, injuries, or
4 32 deformities.
4 33 7. "Pedorthic device" means therapeutic shoes, such as
4 34 diabetic shoes and inserts, shoe modifications made for
4 35 therapeutic purposes, below=the=ankle partial foot prostheses,



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5 1 and foot orthoses for use at the ankle or below. The term also
5 2 includes subtalar=control foot orthoses designed to manage the
5 3 function of the anatomy by controlling the range of motion of
5 4 the subtalar joint. Excluding pedorthic devices which are
5 5 footwear, the proximal height of a custom pedorthic device
5 6 does not extend beyond the junction of the gastrocnemius and
5 7 the Achilles tendon. "Pedorthic device" does not include
5 8 nontherapeutic inlays or footwear regardless of method of
5 9 manufacture; unmodified, nontherapeutic over=the=counter shoes;
5 10 or prefabricated foot care products.
5 11 8. "Pedorthic education program" means an educational
5 12 program accredited by the national commission on orthotic and
5 13 prosthetic education consisting of all of the following:
5 14 a. A basic curriculum of instruction in foot=related
5 15 pathology of diseases, anatomy, and biomechanics.
5 16 b. A specific curriculum in pedorthic courses, including
5 17 lectures covering shoes, foot orthoses, and shoe modifications,
5 18 pedorthic components and materials, training and functional
5 19 capabilities, pedorthic performance evaluation, prescription
5 20 considerations, etiology of disease processes necessitating
5 21 use of pedorthic devices, medical management, subject matter
5 22 related to pediatric and geriatric problems, and lectures,
5 23 demonstrations, and laboratory experiences related to the
5 24 entire process of measuring and casting, fitting, fabricating,
5 25 aligning, and completing pedorthic devices.
5 26 9. "Pedorthic scope of practice" means a list of tasks
5 27 with relative weight given to such factors as importance,
5 28 criticality, and frequency based on nationally accepted
5 29 standards of pedorthic care as outlined by the national
5 30 commission on orthotic and prosthetic education comprehensive
5 31 analysis with an empirical validation study of the profession
5 32 performed by an independent testing company.
5 33 10. "Pedorthics" means the science and practice of
5 34 evaluating, measuring, designing, fabricating, assembling,
5 35 fitting, adjusting, or servicing a pedorthic device under an



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6 1 order from a licensed physician or podiatric physician for the
6 2 correction or alleviation of neuromuscular or musculoskeletal
6 3 dysfunction, disease, injury, or deformity.

6 4 11. "Pedorthist" means a health care professional,
6 5 specifically educated and trained in pedorthic patient
6 6 care, who measures, designs, fabricates, fits, or services
6 7 pedorthic devices and may assist in the formulation of the
6 8 order and treatment plan of pedorthic devices for the support
6 9 or correction of disabilities caused by neuromusculoskeletal
6 10 diseases, injuries, or deformities.

6 11 12. "Prosthesis" means an artificial medical device that
6 12 is not surgically implanted and that is used to replace a
6 13 missing limb, appendage, or any other external human body part
6 14 including an artificial limb, hand, or foot.

6 15 13. "Prosthetics" means the science and practice of
6 16 evaluating, measuring, designing, fabricating, assembling,
6 17 fitting, adjusting, or servicing a prosthesis under an order
6 18 from a licensed physician.

6 19 14. "Prosthetist" means a health care professional,
6 20 specifically educated and trained in prosthetic patient care,
6 21 who measures, designs, fabricates, fits, or services prostheses
6 22 and may assist in the formulation of the order and treatment
6 23 plan of prostheses for the replacement of external parts of the
6 24 human body lost due to amputation or congenital deformities or
6 25 absences.

6 26 15. "Resident" means a person who has completed an education
6 27 program in either orthotics or prosthetics and is continuing
6 28 the person's clinical education in a residency accredited by
6 29 the national commission on orthotic and prosthetic education.

6 30 16. "Residency" means an approved supervised program of
6 31 a minimum duration of one year to acquire practical clinical
6 32 training in orthotics or prosthetics in a patient care setting.

6 33 Sec. 8. NEW SECTION. 148F.3 Duties of the board.

6 34 The board shall administer this chapter. The board's duties
6 35 shall include but are not limited to the following:



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7 1 1. Adoption of rules to administer and interpret this
7 2 chapter, chapter 147, and chapter 272C with respect to the
7 3 education and licensing of orthotists, prosthetists, and
7 4 pedorthists.
7 5 2. Adoption of rules to establish accepted standards of
7 6 orthotic and prosthetic scope of practice, including the
7 7 classification of devices.
7 8 3. Adoption of rules relating to professional conduct and
7 9 licensing and the establishment of ethical and professional
7 10 standards of practice.
7 11 4. Acting on matters concerning licensure and the process
7 12 of applying for, granting, suspending, imposing supervisory
7 13 or probationary conditions upon, reinstating, revoking, or
7 14 renewing a license.
7 15 5. Establishing and collecting licensure fees as provided
7 16 in section 147.80.
7 17 6. Developing continuing education requirements as a
7 18 condition of license renewal.
7 19 7. Evaluating requirements for licensure in other states to
7 20 determine if reciprocity may be granted.
7 21 8. Adoption of rules providing temporary licensing for
7 22 persons providing orthotic, prosthetic, and pedorthic care
7 23 in this state prior to the effective date of this Act. A
7 24 temporary license is good for no more than one year.
7 25 Sec. 9. NEW SECTION. 148F.4 Persons and practices not
7 26 affected.
7 27 This chapter does not prevent or restrict the practice,
7 28 services, or activities of any of the following:
7 29 1. A person licensed in this state by any other law from
7 30 engaging in the profession or occupation for which the person
7 31 is licensed.
7 32 2. A person employed as an orthotics, prosthetics, or
7 33 pedorthics practitioner by the government of the United States
7 34 if that person practices solely under the direction or control
7 35 of the organization by which the person is employed.



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- 8 1 3. A person pursuing a course of study leading to a degree
8 2 or certificate in orthotics, prosthetics, or pedorthics in an
8 3 educational program accredited or approved according to rules
8 4 adopted by the board, if the activities and services constitute
8 5 a part of a supervised course of study and the person is
8 6 designated by a title which clearly indicates the person's
8 7 status as a student, resident, or trainee.
- 8 8 Sec. 10. NEW SECTION. 148F.5 Qualifications for licensure
8 9 as orthotist, prosthetist, or pedorthist.
- 8 10 1. To qualify for a license to practice orthotics or
8 11 prosthetics, a person shall meet the following requirements:
- 8 12 a. Possess a baccalaureate degree from a college or
8 13 university.
- 8 14 b. Have completed the amount of formal training, including
8 15 but not limited to an orthotic and prosthetic education
8 16 program, and clinical practice established and approved by the
8 17 board.
- 8 18 c. Complete a clinical residency in the professional area
8 19 for which a license is sought in accordance with standards,
8 20 guidelines, or procedures for residencies established and
8 21 approved by the board. The majority of training must be
8 22 devoted to services performed under the supervision of a
8 23 licensed practitioner of orthotics or prosthetics or a person
8 24 certified as a certified orthotist, certified prosthetist,
8 25 or certified prosthetist orthotist whose practice is located
8 26 outside the state.
- 8 27 d. Pass all written, practical, and oral examinations that
8 28 are required and approved by the board.
- 8 29 e. Be qualified to practice in accordance with accepted
8 30 standards of orthotic and prosthetic care as established by the
8 31 board.
- 8 32 2. To qualify for a license to practice pedorthics, a person
8 33 shall meet the following requirements:
- 8 34 a. Submit proof of a high school diploma or its equivalent.
- 8 35 b. Have completed the amount of formal training, including



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9 1 but not limited to a pedorthic education program, and clinical
9 2 practice established and approved by the board.
9 3 c. Complete a qualified work experience program or
9 4 internship in pedorthics that has a minimum of one thousand
9 5 hours of pedorthic patient care experience in accordance
9 6 with any standards, guidelines, or procedures established
9 7 and approved by the board. The majority of training must
9 8 be devoted to services performed under the supervision of a
9 9 licensed practitioner of pedorthics or a person certified as
9 10 a certified pedorthist whose practice is located outside the
9 11 state.
9 12 d. Pass all examinations that are required and approved by
9 13 the board.
9 14 e. Be qualified to practice in accordance with accepted
9 15 standards of pedorthic care as established by the board.
9 16 3. The standards and requirements for licensure established
9 17 by the board shall be substantially equal to or in excess of
9 18 standards commonly accepted in the professions of orthotics,
9 19 prosthetics, or pedorthics, as applicable. The board shall
9 20 adopt rules as necessary to set the standards and requirements.
9 21 4. A person may be licensed in more than one discipline.
9 22 Sec. 11. NEW SECTION. 148F.6 Assistants and technicians.
9 23 1. a. A person shall not work as an assistant to an
9 24 orthotist or prosthetist or provide patient care services or
9 25 fabrication of orthoses or prostheses, unless the work is
9 26 performed under the supervision of a licensed orthotist or
9 27 prosthetist.
9 28 b. An assistant may perform orthotic or prosthetic
9 29 procedures and related tasks in the management of patient care.
9 30 An assistant may also fabricate, repair, and maintain orthoses
9 31 and prostheses.
9 32 2. a. A person shall not work as a technician unless
9 33 the work is performed under the supervision of a licensed
9 34 orthotist, prosthetist, or pedorthist.
9 35 b. A technician may assist a person licensed under this



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10 1 chapter with fabrication of orthoses, prostheses, or pedorthic
10 2 devices but shall not provide direct patient care.

10 3 Sec. 12. NEW SECTION. 148F.7 Limitation on provision of
10 4 care and services.

10 5 A licensed orthotist, prosthetist, or pedorthist may provide
10 6 care or services only if the care or services are provided
10 7 pursuant to an order from a licensed physician, a licensed
10 8 podiatric physician, an advanced registered nurse practitioner
10 9 who has a written collaborative agreement with a collaborating
10 10 physician or podiatric physician that specifically authorizes
10 11 ordering the services of an orthotist, prosthetist, or
10 12 pedorthist, an advanced registered nurse practitioner who
10 13 practices in a hospital or ambulatory surgical treatment center
10 14 and possesses clinical privileges to order services of an
10 15 orthotist, prosthetist, or pedorthist, or a physician assistant
10 16 who has been delegated the authority to order the services of
10 17 an orthotist, prosthetist, or pedorthist by the assistant's
10 18 supervising physician. A licensed podiatric physician or an
10 19 advanced registered nurse practitioner collaborating with a
10 20 podiatric physician may only order care or services concerning
10 21 the foot from a licensed prosthetist.

10 22 Sec. 13. Section 272C.1, subsection 6, Code 2011, is amended
10 23 by adding the following new paragraph:

10 24 NEW PARAGRAPH. ag. The board of orthotics, prosthetics, and
10 25 pedorthics, created pursuant to chapter 147.

10 26 Sec. 14. INITIAL BOARD. The initial members of the board of
10 27 orthotics, prosthetics, and pedorthics established pursuant to
10 28 this Act shall be appointed to the following terms:

10 29 1. Two professional members eligible for licensure and one
10 30 public member shall be appointed for a term of two years.

10 31 2. One professional member eligible for licensure and one
10 32 public member shall be appointed for a term of one year.

10 33 EXPLANATION

10 34 This bill creates new Code chapter 148F that requires
10 35 the licensure of persons offering orthotic, prosthetic, or



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11 1 pedorthic services. The bill provides for the establishment of
11 2 a five=member licensing board consisting of three professional
11 3 members and two members who represent the general public.
11 4 The bill provides for fees to fund the board and provides
11 5 penalties for violation of the practice requirement. The
11 6 penalties, including criminal penalties, are set out for all
11 7 health=related boards in Code chapters 147 and 272C. The board
11 8 is similar in composition and responsibilities to the other
11 9 health=related licensing boards.
11 10 Orthotics is the science and practice of evaluating,
11 11 measuring, designing, fabricating, assembling, fitting,
11 12 adjusting, or servicing a custom=fabricated or custom=fitted
11 13 brace or support for the correction or alleviation of
11 14 neuromuscular or musculoskeletal dysfunction, disease, injury,
11 15 or deformity.
11 16 Pedorthics is the science and practice of evaluating,
11 17 measuring, designing, fabricating, assembling, fitting,
11 18 adjusting, or servicing a specially designed shoe or shoe
11 19 insert for the correction or alleviation of neuromuscular or
11 20 musculoskeletal dysfunction, disease, injury, or deformity.
11 21 Prosthetics is the science and practice of evaluating,
11 22 measuring, designing, fabricating, assembling, fitting,
11 23 adjusting, or servicing an artificial medical device that is
11 24 not surgically implanted and that is used to replace a missing
11 25 limb, appendage, or any other external human body part.
11 26 The bill provides qualifications for licensure as an
11 27 orthotist, prosthetist, or pedorthist and requirements for
11 28 assistants and technicians to be supervised by such licensees.

LSB 2240SS (5) 84

jr/nh



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Senate File 227 - Introduced

SENATE FILE

BY KIBBIE, BARTZ, FRAISE,
McKINLEY, COURTNEY,
and KAPUCIAN

A BILL FOR

1 An Act relating to drainage districts, by providing for the
2 assessment of benefits by state agencies, and including
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2054SS (3) 84

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1 1 Section 1. Section 468.2, subsection 1, Code 2011, is
1 2 amended to read as follows:
1 3 1. The drainage of surface waters from agricultural lands
1 4 and all other lands, including state=owned lakes and wetlands,
1 5 or the protection of such lands from overflow shall be presumed
1 6 to be a public benefit and conducive to the public health,
1 7 convenience, and welfare.

1 8 Sec. 2. Section 468.40, Code 2011, is amended by adding the
1 9 following new unnumbered paragraph:

1 10 NEW UNNUMBERED PARAGRAPH When the land is a state=owned
1 11 lake or state=owned wetland, the commissioners shall ascertain
1 12 the benefits realized from removing excess water and shall
1 13 not consider any benefit realized if the state=owned lake or
1 14 state=owned wetland were drained or converted to another land
1 15 use.

1 16 Sec. 3. Section 468.43, unnumbered paragraph 3, Code 2011,
1 17 is amended to read as follows:

1 18 When state=owned land under the jurisdiction of the
1 19 department of natural resources is situated within a levee or
1 20 drainage district, the commissioners assessing benefits shall
1 21 ascertain and return in their report the amount of benefits and
1 22 the apportionment of costs and expenses to the land, and the
1 23 board of supervisors shall assess the amount against the land.
1 24 In estimating benefits to land which is a state=owned lake or
1 25 state=owned wetland, the commissioners shall ascertain benefits
1 26 as provided in section 468.40.

1 27 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 28 immediate importance, takes effect upon enactment.

1 29 EXPLANATION

1 30 RECOMMENDATION. This bill is based on a recommendation of
1 31 the levee and drainage district law study committee which met
1 32 in 2010.

1 33 LEVEE AND DRAINAGE DISTRICTS. The bill addresses levee and
1 34 drainage districts organized under Code chapter 468, which
1 35 authorizes the removal of excess precipitation accumulating on



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2 1 land and the protection of land from surface water flooding. A
2 2 district is managed by a "board" which is the county board of
2 3 supervisors for a district established in one county, the joint
2 4 boards of supervisors in a district which crosses county lines
2 5 (intercounty districts), or by the district's landowners acting
2 6 through an elected board of trustees (Code section 468.3(2)).
2 7 The land is assessed by "commissioners" who are three persons
2 8 appointed by a board to classify lands, fix percentages of
2 9 benefits, and apportion and assess costs and expenses in any
2 10 levee or drainage district (Code section 468.38).
2 11 ASSESSMENT OF STATE=OWNED LAKES AND STATE=OWNED WETLANDS.
2 12 This bill expressly provides that the recognized public
2 13 benefit derived from draining surface water from land includes
2 14 state=owned lakes and wetlands. It also provides for the
2 15 manner of assessment. The commissioners are required to base
2 16 the amount assessed on the benefits realized from removing
2 17 excess water and cannot consider any benefit realized if
2 18 the state=owned lake or state=owned wetland were drained or
2 19 converted to another land use.
2 20 EFFECTIVE DATE. The Act takes effect upon enactment.
LSB 2054SS (3) 84
da/nh



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Senate File 228 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act creating a small business advocate's office and a
2 solutions=to=minimize=unreasonable=government committee and
3 providing for an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2331XS (4) 84
tw/rj



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1 1 Section 1. Section 2.42, Code 2011, is amended by adding the
1 2 following new subsection:
1 3 NEW SUBSECTION. 17. To appoint the small business advocate
1 4 for a term of office ending June 30, 2015.
1 5 Sec. 2. NEW SECTION. 2E.1 Office of the small business
1 6 advocate established.
1 7 The office of the small business advocate is established as
1 8 an agency of the legislative branch under the direction and
1 9 control of the legislative council.
1 10 Sec. 3. NEW SECTION. 2E.2 Appointment ==== vacancy and
1 11 removal ==== prohibited activities.
1 12 1. The small business advocate shall be appointed by the
1 13 legislative council as provided in section 2.42. The small
1 14 business advocate shall be a citizen of the United States and
1 15 a resident of the state of Iowa, and shall be qualified to
1 16 analyze problems of law, administration, public policy, and
1 17 commerce especially as they relate to small business.
1 18 2. The legislative council shall fill a vacancy in the
1 19 office in the same manner as the original appointment.
1 20 3. The small business advocate is not authorized to hire
1 21 staff or employees.
1 22 4. The small business advocate may be removed at any time by
1 23 the legislative council.
1 24 5. The small business advocate shall not do any of the
1 25 following:
1 26 a. Hold another public office of trust or profit under the
1 27 laws of this state other than the office of notary public.
1 28 b. Engage in other employment for remuneration with an
1 29 agency or department of state government.
1 30 c. Be actively involved in partisan affairs.
1 31 Sec. 4. NEW SECTION. 2E.3 Duties.
1 32 The small business advocate shall do all of the following:
1 33 1. Monitor the impact of government regulation on job growth
1 34 in the state.
1 35 2. Collect data and compile reports on the impact of



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2 1 government regulation on job growth in the state.
2 2 3. Recommend to the legislative council policies and laws
2 3 that promote a regulatory environment conducive to job growth,
2 4 and particularly to the creation of jobs in small businesses
2 5 across the state.
2 6 4. Advise the legislative council and the general assembly
2 7 on the impacts that proposed legislation will have on the
2 8 ability of employers to create and retain jobs.
2 9 5. On or before January 1 of each year, submit a report
2 10 to the legislative council, the legislative services agency,
2 11 the administrative rules review committee, and the general
2 12 assembly. The report shall include the small business
2 13 advocate's recommendations for changes to law and public policy
2 14 that will remove barriers to job growth in the state.
2 15 Sec. 5. NEW SECTION. 2E.4 Information from the citizens'
2 16 aide.
2 17 In investigating administrative actions, to the extent
2 18 the citizens' aide becomes aware of a pattern of regulation
2 19 evidencing actions or subjects described in section 2C.11,
2 20 the citizens' aide shall inform the small business advocate
2 21 of the pattern, and the small business advocate shall develop
2 22 and recommend to the legislative council, the legislative
2 23 services agency, the administrative rules review committee, and
2 24 the general assembly changes in policy or law to address the
2 25 pattern.
2 26 Sec. 6. NEW SECTION. 2E.5 Solutions=to=minimize=
2 27 unreasonable=government committee.
2 28 1. The solutions=to=minimize=unreasonable=government
2 29 committee is created with staffing provided by the legislative
2 30 services agency.
2 31 2. The purpose of the committee is to review existing
2 32 and proposed state statutes, administrative rules, and other
2 33 agency requirements to consider whether the statutes, rules,
2 34 or requirements impose or would impose unnecessary barriers to
2 35 creating or maintaining private sector jobs. The committee may



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3 1 issue reports to the general assembly at any time providing
3 2 recommendations for revising or eliminating statutes, rules, or
3 3 requirements as necessary to address such barriers.

3 4 3. The membership of the committee shall be appointed by the
3 5 small business advocate to include the following:

3 6 a. Five voting members who represent Iowa small businesses
3 7 from nominees provided by the Iowa office of the national
3 8 federation of independent business.

3 9 b. Four voting members who represent a broad spectrum of
3 10 Iowa businesses from nominees provided by the Iowa association
3 11 of business and industry.

3 12 4. The terms of voting members, election of officers,
3 13 and other procedural matters shall be as determined by the
3 14 committee. Voting members are not eligible for per diem or
3 15 expenses incurred in connection with committee work.

3 16 Sec. 7. Section 15G.110, Code 2011, is amended to read as
3 17 follows:

3 18 15G.110 Appropriation.

3 19 1. For the fiscal period beginning July 1, 2005, and ending
3 20 June 30, 2008, and for the fiscal period beginning July 1,
3 21 2011, and ending June 30, 2015, there is appropriated to the
3 22 department of economic development each fiscal year ~~fifty~~

~~3 23~~ forty=nine million eight hundred fifty thousand dollars from
3 24 the general fund of the state for deposit in the grow Iowa
3 25 values fund.

3 26 2. For the fiscal period beginning July 1, 2008, and ending
3 27 June 30, 2011, there is appropriated to the department of
3 28 economic development each fiscal year ~~fifty~~ forty=nine million
3 29 eight hundred fifty thousand dollars from the rebuild Iowa
3 30 infrastructure fund for deposit in the grow Iowa values fund,
3 31 notwithstanding section 8.57, subsection 6, paragraph "c".

3 32 Sec. 8. Section 15G.111, subsection 3, Code 2011, is amended
3 33 to read as follows:

3 34 3. Appropriation. For each fiscal year of the fiscal
3 35 period beginning July 1, 2009, and ending June 30, 2015, there



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4 1 is appropriated from the fund to the department of economic
4 2 development for purposes of making expenditures pursuant to
4 3 this chapter ~~fifty~~ forty=nine million eight hundred fifty
4 4 thousand dollars.

4 5 Sec. 9. Section 15G.111, subsection 4, unnumbered paragraph
4 6 1, Code 2011, is amended to read as follows:

4 7 Of the moneys appropriated to the department pursuant to
4 8 subsection 3, the department shall allocate twenty=eight
4 9 million ~~five~~ three hundred fifty thousand dollars each fiscal
4 10 year as follows:

4 11 EXPLANATION

4 12 This bill provides for the establishment of a small business
4 13 advocate's office and a solutions=~~to~~=minimize=~~unreasonable~~=
4 14 government committee.

4 15 The office of the small business advocate is established as
4 16 an agency of the legislative branch under the direction and
4 17 control of the legislative council.

4 18 The small business advocate is not authorized to hire staff
4 19 or employees. The small business advocate cannot hold another
4 20 public office of trust or profit other than the office of
4 21 notary public, engage in other employment for remuneration with
4 22 an agency or department of state government, or be actively
4 23 involved in partisan affairs.

4 24 The duties of the small business advocate are to:

4 25 1. Monitor the impact of government regulation on job growth
4 26 in the state.

4 27 2. Collect data and compile reports on the impact of
4 28 government regulation on job growth in the state.

4 29 3. Recommend to the legislative council policies and laws
4 30 that promote a regulatory environment conducive to job growth
4 31 and particularly to the creation of jobs in small businesses
4 32 across the state.

4 33 4. Advise the legislative council and the general assembly
4 34 on the impacts that proposed legislation will have on the
4 35 ability of employers to create and retain jobs.



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5 1 5. On or before January 1 of each year, submit a report
5 2 to the legislative council, the legislative services agency,
5 3 the administrative rules review committee, and the general
5 4 assembly. The report shall include the small business
5 5 advocate's recommendations for changes to law and public policy
5 6 that will remove barriers to job growth in the state.
5 7 The office of the citizens' aide (commonly called the
5 8 ombudsman), has some duties that overlap with the concerns of
5 9 the small business advocate. In investigating administrative
5 10 actions, to the extent the citizens' aide becomes aware
5 11 of a pattern of regulation evidencing actions or subjects
5 12 described in Code section 2C.11, the citizens' aide must inform
5 13 the small business advocate of the pattern, and the small
5 14 business advocate is directed to develop and recommend to the
5 15 legislative council, the legislative services agency, the
5 16 administrative rules review committee, and the general assembly
5 17 changes in policy or law to address the pattern.
5 18 The bill creates the solutions=~~to~~=~~minimize~~=~~unreasonable~~=
5 19 government committee in the office of the small business
5 20 advocate in new Code section 2E.5, to be staffed by the
5 21 legislative services agency.
5 22 The purpose of the committee is to review existing and
5 23 proposed state statutes, administrative rules, and other
5 24 agency requirements to consider whether the statutes, rules,
5 25 or requirements impose or would impose unnecessary barriers to
5 26 creating or maintaining private sector jobs. The committee may
5 27 issue reports to the general assembly at any time providing
5 28 recommendations for revising or eliminating statutes, rules, or
5 29 requirements as necessary to address such barriers.
5 30 The committee consists of nine voting members appointed by
5 31 the small business advocate from nominees provided by the Iowa
5 32 office of the national federation of independent business and
5 33 the Iowa association of business and industry. The committee
5 34 is authorized to determine the terms of voting members,
5 35 election of officers, and other procedural matters. Voting



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6 1 members are not eligible for per diem or expenses incurred in
6 2 connection with committee work.
6 3 The annual budget for the small business advocate is
6 4 approved by the legislative council from the general assembly's
6 5 standing appropriation from the state's general fund. In order
6 6 to free up state general fund moneys for any additional costs
6 7 related to the appointment of a small business advocate, the
6 8 annual appropriation for the grow Iowa values fund is reduced
6 9 by \$150,000.



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Senate File 229 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act relating to the review of administrative rules for their
2 impact on small business.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2438SS (1) 84
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1 1 Section 1. Section 15.106, Code 2011, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 8A. Analyze each notice of intended action
1 4 or rule filed without notice which may have a substantial
1 5 impact on small business and submit its analysis and findings
1 6 on that impact as required by section 17A.4, subsection 4A.
1 7 Sec. 2. Section 17A.4, Code 2011, is amended by adding the
1 8 following new subsection:
1 9 NEW SUBSECTION. 4A. Any notice of intended action or
1 10 rule filed without notice pursuant to subsection 2, which may
1 11 have a substantial impact on small business, as defined in
1 12 section 17A.4A, subsection 8, shall summarize that impact in
1 13 the preamble of the notice of intended action or the preamble
1 14 of a rule filed without notice. In addition, the agency shall
1 15 notify the department of economic development of this intended
1 16 action or rule and its possible impact on small business.
1 17 The department of economic development shall analyze the
1 18 rulemaking and determine whether the impact on small business
1 19 is substantial, adverse, and whether any feasible alternatives
1 20 exist to reduce the impact. The department shall submit its
1 21 analysis and findings to the administrative rules coordinator,
1 22 the administrative rules review committee, and the agency. A
1 23 rule which is the subject of the notice of intended action
1 24 shall not be adopted until the analysis has been completed.
1 25 For a rule filed without notice, the analysis must be submitted
1 26 within seventy days of the publication of the rule.
1 27 Sec. 3. Section 17A.4A, subsection 1, Code 2011, is amended
1 28 to read as follows:
1 29 1. An agency shall issue a regulatory analysis of a proposed
1 30 rule that complies with subsection 2, paragraph "a", if, within
1 31 thirty=two days after the published notice of proposed rule
1 32 adoption, a written request for the analysis is submitted
1 33 to the agency by the administrative rules review committee
1 34 or the administrative rules coordinator. An agency shall
1 35 issue a regulatory analysis of a proposed rule that complies



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2 1 with subsection 2, paragraph "b", if the rule would have a
2 2 substantial impact on small business and if, within thirty=two
2 3 days after the published notice of proposed rule adoption, a
2 4 written request for analysis is submitted to the agency by the
2 5 administrative rules review committee, the administrative rules
2 6 coordinator, the department of economic development, at least
2 7 twenty=five persons signing that request who each qualify as
2 8 a small business, or by an organization representing at least
2 9 twenty=five such persons. If a rule has been adopted without
2 10 prior notice and an opportunity for public participation in
2 11 reliance upon section 17A.4, subsection 3, the written request
2 12 for an analysis that complies with subsection 2, paragraph "a"
2 13 or "b", may be made within seventy days of publication of the
2 14 rule.

2 15 Sec. 4. Section 17A.33, Code 2011, is amended to read as
2 16 follows:

2 17 17A.33 Review by administrative rules review committee.

2 18 The administrative rules review committee shall review
2 19 existing rules, as time permits, to determine if there are
2 20 adverse or beneficial effects from these rules. The committee
2 21 shall ~~give a high priority to~~ review rules that are referred to
2 22 it by small business as defined in section 17A.4A, and rules
2 23 identified by the department of economic development as having
2 24 a substantial and adverse impact on small business. The review
2 25 of these rules shall be forwarded to the appropriate standing
2 26 committees of the house and senate.

2 27 EXPLANATION

2 28 This bill requires any new rule having a substantial impact
2 29 on small business to indicate that fact in the preamble of
2 30 the filing and requires the agency promulgating the rule to
2 31 notify the department of economic development. The department
2 32 is then required to analyze this impact and determine whether
2 33 any feasible alternatives exist to reduce that impact. This
2 34 analysis is to be provided to the administrative rules
2 35 coordinator, the administrative rules review committee, and the



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3 1 agency. The bill also authorizes the department of economic
3 2 development to demand an agency to issue a small business
3 3 regulatory flexibility analysis and requires the administrative
3 4 rules review committee to review new rules identified as having
3 5 a substantial and adverse impact on small business.

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Senate File 230 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act amending the Iowa administrative procedure Act as it
2 relates to public participation in the rulemaking process,
3 the adoption and effectiveness of administrative rules, and
4 the delegation of rulemaking authority to administrative
5 agencies.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2426SS (3) 84
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1 1 Section 1. Section 17A.4, subsection 1, paragraph b, Code
1 2 2011, is amended to read as follows:

1 3 b. (1) Afford all interested persons not less than twenty
1 4 days to submit data, views, or arguments in writing. If timely
1 5 requested in writing by twenty-five interested persons, by a
1 6 governmental subdivision, by the administrative rules review
1 7 committee, by an agency, or by an association having not less
1 8 than twenty-five members, the agency must give interested
1 9 persons an opportunity to make oral presentation.

1 10 (2) To the extent practicable, the agency shall provide an
1 11 opportunity to make these oral presentations using the Iowa
1 12 communications network or other electronic means and provide
1 13 public access at multiple sites throughout the state. If
1 14 a request is received from twenty-five interested persons
1 15 residing in the same city or county, the agency shall provide
1 16 an opportunity for oral presentation in that city or county.

1 17 (3) The opportunity for oral presentation must be held
1 18 at least twenty days after publication of the notice of its
1 19 time and place in the Iowa administrative bulletin. The
1 20 agency shall consider fully all written and oral submissions
1 21 respecting the proposed rule. Within one hundred eighty
1 22 days following either the notice published according to the
1 23 provisions of paragraph "a" or within one hundred eighty
1 24 days after the last date of the oral presentations on the
1 25 proposed rule, whichever is later, the agency shall adopt a
1 26 rule pursuant to the rulemaking proceeding or shall terminate
1 27 the proceeding by publishing notice of termination in the Iowa
1 28 administrative bulletin.

1 29 Sec. 2. Section 17A.4, subsections 2 and 3, Code 2011, are
1 30 amended to read as follows:

1 31 2. An agency shall include in a preamble to each rule
1 32 it adopts ~~a brief explanation of the principal reasons for~~
1 33 ~~its action pursuant to section 17A.5 a concise statement~~
1 34 ~~of the principal reasons for and against the rule adopted,~~
1 35 ~~incorporating in the statement the reasons for overruling~~



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2 1 considerations urged against the rule and, if applicable, a
2 2 brief explanation of the principal reasons for its failure to
2 3 provide in that rule for the waiver of the rule in specified
2 4 situations if no such waiver provision is included in the rule.
2 5 ~~This explanatory requirement does not apply when the agency~~
2 6 ~~adopts a rule that only defines the meaning of a provision of~~
2 7 ~~law if the agency does not possess delegated authority to bind~~
2 8 ~~the courts to any extent with its definition. In addition, if~~
2 9 ~~requested to do so by an interested person, either prior to~~
2 10 ~~adoption or within thirty days thereafter, the agency shall~~
2 11 ~~issue a concise statement of the principal reasons for and~~
2 12 ~~against the rule adopted, incorporating therein the reasons for~~
2 13 ~~overruling considerations urged against the rule. This concise~~
2 14 ~~statement shall be issued either at the time of the adoption of~~
2 15 ~~the rule or within thirty-five days after the agency receives~~
2 16 ~~the request.~~
2 17 3. When an agency for good cause finds that notice and
2 18 public participation would be unnecessary, impracticable, or
2 19 contrary to the public interest, the provisions of subsection 1
2 20 shall be inapplicable. The agency shall incorporate in each
2 21 rule issued in reliance upon this provision either the finding
2 22 and a brief statement of the reasons for the finding, or a
2 23 statement that the rule is within a very narrowly tailored
2 24 category of rules whose issuance has previously been exempted
2 25 from subsection 1 by a special rule relying on this provision
2 26 and including such a finding and statement of reasons for the
2 27 entire category. ~~If the administrative rules review committee~~
2 28 ~~by a two-thirds vote, the governor, or the attorney general~~
2 29 ~~files with the administrative code editor an objection to the~~
2 30 ~~adoption of any rule pursuant to this subsection, that rule~~
2 31 ~~shall cease to be effective one hundred eighty days after~~
2 32 ~~the date the objection was filed. A copy of the objection,~~
2 33 ~~properly dated, shall be forwarded to the agency at the time of~~
2 34 ~~filing the objection.~~ In any action contesting a rule adopted
2 35 pursuant to this subsection, the burden of proof shall be on



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3 1 the agency to show that the procedures of subsection 1 were
3 2 impracticable, unnecessary, or contrary to the public interest
3 3 and that, if a category of rules was involved, the category
3 4 was very narrowly tailored. A rule adopted pursuant to this
3 5 subsection shall remain in effect for one hundred eighty days,
3 6 unless a shorter period is specified in the rule.

3 7 Sec. 3. Section 17A.23, Code 2011, is amended to read as
3 8 follows:

3 9 17A.23 Construction ~~====~~ delegation of authority.

3 10 1. Except as expressly provided otherwise by this chapter
3 11 or by another statute referring to this chapter by name, the
3 12 rights created and the requirements imposed by this chapter
3 13 shall be in addition to those created or imposed by every other
3 14 statute in existence on July 1, 1975, or enacted after that
3 15 date. If any other statute in existence on July 1, 1975, or
3 16 enacted after that date diminishes a right conferred upon a
3 17 person by this chapter or diminishes a requirement imposed upon
3 18 an agency by this chapter, this chapter shall take precedence
3 19 unless the other statute expressly provides that it shall take
3 20 precedence over all or some specified portion of this named
3 21 chapter.

3 22 2. This chapter shall be construed broadly to effectuate
3 23 its purposes. This chapter shall also be construed to apply
3 24 to all agencies not expressly exempted by this chapter or by
3 25 another statute specifically referring to this chapter by
3 26 name; and except as to proceedings in process on July 1, 1975,
3 27 this chapter shall be construed to apply to all covered agency
3 28 proceedings and all agency action not expressly exempted by
3 29 this chapter or by another statute specifically referring to
3 30 this chapter by name.

3 31 3. An agency shall have only that authority or discretion
3 32 delegated to or conferred upon the agency by law and shall not
3 33 expand or enlarge its authority or discretion beyond the powers
3 34 delegated to or conferred upon the agency. Unless otherwise
3 35 specifically provided in statute, any grant of rulemaking



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4 1 authority shall be construed narrowly.

4 2 EXPLANATION

4 3 This bill makes a number of changes to the rulemaking
4 4 process. The bill requires administrative agencies, when
4 5 feasible, to hold rulemaking hearings in varied locations
4 6 throughout the state via the Iowa communications network and
4 7 provides that a hearing must be held in a particular city or
4 8 county when 25 interested persons from that city or county make
4 9 the request.

4 10 Every adopted rule must be accompanied by a concise
4 11 statement of the principal reasons for and against the rule
4 12 adopted; under current law such a statement is only provided
4 13 on request.

4 14 The bill also provides that so-called "emergency" rules are
4 15 in effect for only 180 days.

4 16 The bill also establishes a new rule of statutory
4 17 construction: Unless otherwise specifically provided in
4 18 statute, any grant of rulemaking authority shall be construed
4 19 narrowly.

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Senate File 231 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act requiring a regulatory analysis of administrative rules
2 impacting small business.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2398SS (2) 84
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1 1 Section 1. Section 17A.4A, Code 2011, is amended to read as
1 2 follows:

1 3 17A.4A Regulatory analysis.

1 4 1. a. An agency shall issue a regulatory analysis of
1 5 a proposed rule that complies with subsection 2, paragraph
1 6 "a", if, within thirty-two days after the published notice of
1 7 proposed rule adoption, a written request for the analysis is
1 8 submitted to the agency by the administrative rules review
1 9 committee or the administrative rules coordinator. ~~An agency~~
~~1 10 shall issue a regulatory analysis of a proposed rule that~~
~~1 11 complies with subsection 2, paragraph "b", if the rule would~~
~~1 12 have a substantial impact on small business and if, within~~
~~1 13 thirty-two days after the published notice of proposed rule~~
~~1 14 adoption, a written request for analysis is submitted to the~~
~~1 15 agency by the administrative rules review committee, the~~
~~1 16 administrative rules coordinator, at least twenty-five persons~~
~~1 17 signing that request who each qualify as a small business or by~~
~~1 18 an organization representing at least twenty-five such persons.~~

1 19 If a rule has been adopted without prior notice and an
1 20 opportunity for public participation in reliance upon section
1 21 17A.4, subsection 3, the written request for an analysis that
1 22 complies with subsection 2, paragraph "a" or "b", may be made
1 23 within seventy days of publication of the rule.

1 24 b. An agency shall issue a regulatory analysis of a rule
1 25 that complies with subsection 2, paragraph "b", if the rule is a
1 26 proposed rule, or has been adopted without prior notice and an
1 27 opportunity for public participation, if the rule would have an
1 28 adverse impact on small business. A regulatory analysis issued
1 29 pursuant to this paragraph shall be published as part of the
1 30 notice of proposed rule adoption or published along with a rule
1 31 that has been adopted without notice.

1 32 2. a. Except to the extent that a written request for
1 33 a regulatory analysis expressly waives one or more of the
1 34 following, the regulatory analysis must contain all of the
1 35 following:



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- 2 1 (1) A description of the classes of persons who probably
2 2 will be affected by the proposed rule, including classes that
2 3 will bear the costs of the proposed rule and classes that will
2 4 benefit from the proposed rule.
- 2 5 (2) A description of the probable quantitative and
2 6 qualitative impact of the proposed rule, economic or otherwise,
2 7 upon affected classes of persons, including a description of
2 8 the nature and amount of all of the different kinds of costs
2 9 that would be incurred in complying with the proposed rule.
- 2 10 (3) The probable costs to the agency and to any other agency
2 11 of the implementation and enforcement of the proposed rule and
2 12 any anticipated effect on state revenues.
- 2 13 (4) A comparison of the probable costs and benefits of the
2 14 proposed rule to the probable costs and benefits of inaction.
- 2 15 (5) A determination of whether less costly methods or
2 16 less intrusive methods exist for achieving the purpose of the
2 17 proposed rule.
- 2 18 (6) A description of any alternative methods for achieving
2 19 the purpose of the proposed rule that were seriously considered
2 20 by the agency and the reasons why they were rejected in favor
2 21 of the proposed rule.
- 2 22 b. In the case of a rule that would have a substantial
2 23 impact on small business, the regulatory analysis must contain
2 24 a discussion of whether it would be feasible and practicable
2 25 to do any of the following to reduce the impact of the rule on
2 26 small business:
- 2 27 (1) Establish less stringent compliance or reporting
2 28 requirements in the rule for small business.
- 2 29 (2) Establish less stringent schedules or deadlines in
2 30 the rule for compliance or reporting requirements for small
2 31 business.
- 2 32 (3) Consolidate or simplify the rule's compliance or
2 33 reporting requirements for small business.
- 2 34 (4) Establish performance standards to replace design or
2 35 operational standards in the rule for small business.



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3 1 (5) Exempt small business from any or all requirements of
3 2 the rule.

3 3 c. The agency shall reduce the impact of a proposed rule
3 4 that would have ~~a substantial~~ an adverse impact on small
3 5 business by using a method discussed in paragraph "b" if the
3 6 agency finds that the method is legal and feasible in meeting
3 7 the statutory objectives which are the basis of the proposed
3 8 rule. For purposes of judicial review, a small business shall
3 9 be deemed to be aggrieved or adversely affected by an agency
3 10 determination that it would not be legal and feasible to reduce
3 11 the impact of a rule.

3 12 3. Each regulatory analysis must include quantifications
3 13 of the data to the extent practicable and must take account of
3 14 both short-term and long-term consequences.

3 15 4. Upon receipt by an agency of a timely request for
3 16 a regulatory analysis, the agency shall extend the period
3 17 specified in this chapter for each of the following until at
3 18 least twenty days after publication in the administrative
3 19 bulletin of a concise summary of the regulatory analysis:

3 20 a. The end of the period during which persons may make
3 21 written submissions on the proposed rule.

3 22 b. The end of the period during which an oral proceeding may
3 23 be requested.

3 24 c. The date of any required oral proceeding on the proposed
3 25 rule.

3 26 5. In the case of a rule adopted without prior notice and an
3 27 opportunity for public participation in reliance upon section
3 28 17A.4, subsection 3, the summary must be published within
3 29 seventy days of ~~the~~ a request made pursuant to subsection 1,
3 30 paragraph "a".

3 31 6. The published summary of the regulatory analysis
3 32 issued pursuant to subsection 1, paragraph "a", must also
3 33 indicate where persons may obtain copies of the full text
3 34 of the regulatory analysis and where, when, and how persons
3 35 may present their views on the proposed rule and demand



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4 1 an oral proceeding thereon if one is not already provided.
4 2 Agencies shall make available to the public, to the maximum
4 3 extent feasible, the published summary and the full text of
4 4 the regulatory analysis described in this subsection in an
4 5 electronic format, including, but not limited to, access to the
4 6 documents through the internet.

4 7 7. If the agency has made a good faith effort to comply
4 8 with the requirements of subsections 1 through 3, the rule
4 9 may not be invalidated on the ground that the contents of the
4 10 regulatory analysis are insufficient or inaccurate.

4 11 8. a. For the purpose of this section, "small business"
4 12 means any entity including but not limited to an individual,
4 13 partnership, corporation, joint venture, association, or
4 14 cooperative, to which all of the following apply:

4 15 (1) It is not an affiliate or subsidiary of an entity
4 16 dominant in its field of operation.

4 17 (2) It has either twenty or fewer full-time equivalent
4 18 positions or less than one million dollars in annual gross
4 19 revenues in the preceding fiscal year.

4 20 b. For purposes of this definition, "dominant in its field
4 21 of operation" means having more than twenty full-time equivalent
4 22 positions and more than one million dollars in annual gross
4 23 revenues, and "affiliate or subsidiary of an entity dominant in
4 24 its field of operation" means an entity which is at least twenty
4 25 percent owned by an entity dominant in its field of operation,
4 26 or by partners, officers, directors, majority stockholders,
4 27 or their equivalent, of an entity dominant in that field of
4 28 operation.

4 29 9. By July 1, 2013, and every five years thereafter, each
4 30 agency shall review all existing rules under its purview to
4 31 determine whether such rules should be continued without
4 32 change, or should be amended or rescinded, consistent with
4 33 the stated objectives of the applicable statutes, to minimize
4 34 economic impact of the rules on small businesses in a manner
4 35 consistent with the stated objectives of the applicable



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5 1 statutes. If the agency determines that completion of the
5 2 review of existing rules is not feasible by July 1, 2013,
5 3 the agency shall publish notice of that finding in the Iowa
5 4 administrative bulletin. The agency may then extend the
5 5 completion date by one year at a time for a total of not more
5 6 than five years. In reviewing rules to minimize the economic
5 7 impact of the rules on small businesses, the agency shall
5 8 consider all of the following factors:
5 9 a. The continued need for the rule.
5 10 b. The nature of complaints or comments received concerning
5 11 the rule from the public.
5 12 c. The complexity of the rule.
5 13 d. The extent to which the rule overlaps, duplicates, or
5 14 conflicts with other federal, state, or local governmental
5 15 statutes or rules.
5 16 e. The length of time since the rule has been evaluated or
5 17 the degree to which technology, economic conditions, or other
5 18 factors have changed in the area affected by the rule.

5 19 EXPLANATION

5 20 Code section 17A.4A sets out a procedure for requesting a
5 21 regulatory analysis for proposed rules or rules adopted without
5 22 notice. This analysis is essentially a cost/benefit study
5 23 identifying the impact of a rule on the affected public and,
5 24 in the case of a rule that would have a substantial impact
5 25 on small business, the regulatory analysis must contain a
5 26 discussion of whether it would be feasible and practicable to
5 27 reduce the impact of the rule on small business.
5 28 This bill requires an analysis on every new rule which has an
5 29 adverse impact on small business and requires the analysis to
5 30 be published in the Iowa administrative bulletin along with the
5 31 new rule. If an agency determines that it would not be legal
5 32 and feasible to reduce the adverse impact on small business, a
5 33 small business would have judicial standing to challenge that
5 34 determination in district court. The bill also requires a
5 35 periodic review of all rules to minimize the economic impact of



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6 1 the rules on small businesses.
6 2 The initial review must be completed by July 1, 2013, and
6 3 will be repeated every five years. The review must analyze all
6 4 of the following:
6 5 1. The continued need for the rule.
6 6 2. The nature of complaints or comments received.
6 7 3. The complexity of the rule.
6 8 4. Duplication of or conflict with other federal, state, or
6 9 local governmental statutes or rules.
6 10 5. The length of time since the rule has been evaluated or
6 11 the degree to which various factors have changed in the area
6 12 affected by the rule.

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Senate File 232 - Introduced

SENATE FILE
BY MCKINLEY

A BILL FOR

1 An Act requiring periodic review of administrative rules by
2 administrative agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2431SS (2) 84
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1 1 Section 1. Section 17A.7, subsection 2, Code 2011, is
1 2 amended by striking the subsection and inserting in lieu
1 3 thereof the following:
1 4 2. Over a five=year period of time, an agency shall conduct
1 5 an ongoing and comprehensive review of all of the agency's
1 6 rules. The goal of the review is the identification and
1 7 elimination of all rules of the agency that are outdated,
1 8 redundant, overbroad, ineffective, unnecessary, or otherwise
1 9 undesirable. An agency shall commence its review by developing
1 10 a plan of review in consultation with major stakeholders and
1 11 constituent groups. As part of its review, an agency shall
1 12 review existing policy and interpretive statements or similar
1 13 documents to determine whether it would be necessary or
1 14 appropriate to adopt these statements or documents as rules.
1 15 a. An agency shall establish its five=year plan for review
1 16 of its rules and publish the plan in the Iowa administrative
1 17 bulletin.
1 18 b. An agency's plan for review shall do all of the
1 19 following:
1 20 (1) Contain a schedule that lists when the review of each
1 21 rule or rule group will occur.
1 22 (2) State the method by which the agency will determine
1 23 whether the rule under review meets the criteria listed in this
1 24 executive order.
1 25 (3) Provide a means for public participation in the review
1 26 process and specify how interested persons may participate in
1 27 the review.
1 28 (4) Identify instances where the agency may require an
1 29 exception to the review requirements.
1 30 (5) Provide a process for ongoing review of rules after the
1 31 initial five=year review period has expired.
1 32 c. An agency shall consider all of the following criteria
1 33 when reviewing its rules:
1 34 (1) The need for the rule.
1 35 (2) The clarity of the rule.



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2 1 (3) The intent and legal authority for the rule.
2 2 (4) The qualitative and quantitative benefits and costs of
2 3 the rule.
2 4 (5) The fairness of the rule.
2 5 d. When an agency completes its five=year review of its
2 6 rules, the agency shall provide a summary of the results to the
2 7 administrative rules coordinator and the administrative rules
2 8 review committee.

2 9 EXPLANATION

2 10 This bill requires that each state agency review all of its
2 11 administrative rules on a five=year cycle. The plan for this
2 12 review must be developed in consultation with stakeholders
2 13 and constituent groups. The goal of the review is the
2 14 identification and elimination of all rules of the agency that
2 15 are outdated, redundant, overbroad, ineffective, unnecessary,
2 16 or otherwise undesirable.

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Senate File 233 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 152)

A BILL FOR

1 An Act relating to entitling mental health counselors to
2 payment for behavioral health services provided under the
3 Medicaid program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2264SV (1) 84
pf/nh



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1 1 Section 1. Section 249A.15A, Code 2011, is amended to read
1 2 as follows:

1 3 249A.15A Licensed marital and family therapists ~~and~~, licensed
1 4 master social workers, and licensed mental health counselors.

1 5 1. The department shall adopt rules pursuant to chapter
1 6 17A entitling marital and family therapists who are licensed
1 7 pursuant to chapter 154D to payment for behavioral health
1 8 services provided to recipients of medical assistance, subject
1 9 to limitations and exclusions the department finds necessary on
1 10 the basis of federal laws and regulations.

1 11 2. The department shall adopt rules pursuant to chapter
1 12 17A entitling master social workers who hold a master's
1 13 degree approved by the board of social work, are licensed as
1 14 a master social worker pursuant to section 154C.3, subsection
1 15 1, paragraph "b", and provide treatment services under the
1 16 supervision of an independent social worker licensed pursuant
1 17 to section 154C.3, subsection 1, paragraph "c", to payment
1 18 for behavioral health services provided to recipients of
1 19 medical assistance, subject to limitations and exclusions the
1 20 department finds necessary on the basis of federal laws and
1 21 regulations.

1 22 3. The department shall adopt rules pursuant to chapter 17A
1 23 entitling mental health counselors who are licensed pursuant to
1 24 chapter 154D to payment for behavioral health services provided
1 25 to recipients of medical assistance, subject to limitations
1 26 and exclusions the department finds necessary on the basis of
1 27 federal laws and regulations.

1 28 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ==== MENTAL HEALTH
1 29 COUNSELORS. The department of human services shall amend the
1 30 medical assistance state plan to allow mental health counselors
1 31 licensed in the state to be participating behavioral health
1 32 providers under the medical assistance program.

1 33 EXPLANATION

1 34 This bill directs the department of human services (DHS)
1 35 to adopt rules entitling licensed mental health counselors to



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2 1 payment for behavioral health services provided to recipients
2 2 of medical assistance, subject to limitations and exclusions
2 3 the department finds necessary on the basis of federal laws and
2 4 regulations. The bill also directs DHS to amend the Medicaid
2 5 state plan to allow licensed mental health counselors to be
2 6 participating behavioral health providers under the Medicaid
2 7 program.

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Senate File 234 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 126)

A BILL FOR

1 An Act relating to reimbursement for services provided under a
2 medical assistance home and community-based services waiver
3 for the elderly.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1994SV (1) 84
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1 1 Section 1. NEW SECTION. 249A.30B Home and community=based
1 2 services waiver ==== elderly ==== reimbursement.
1 3 The reimbursement for a provider of services under a medical
1 4 assistance program home and community=based services waiver
1 5 for the elderly shall be recalculated annually on July 1. The
1 6 annual inflation factor applied shall be determined based on
1 7 the total skilled nursing facility market basket index utilized
1 8 by the centers for Medicare and Medicaid services of the United
1 9 States department of health and human services.

1 10 EXPLANATION

1 11 This bill requires the reimbursement for providers of
1 12 services under a medical assistance home and community=based
1 13 services waiver for the elderly to be recalculated annually
1 14 on July 1. The annual inflation factor applied is to be
1 15 determined based on the skilled nursing facility market
1 16 basket index utilized by the centers for Medicare and Medicaid
1 17 services of the United States department of health and human
1 18 services.

LSB 1994SV (1) 84

pf/nh



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Senate File 235 - Introduced

SENATE FILE
BY RIELLY

A BILL FOR

1 An Act authorizing the establishment of health insurance
2 exchanges in the state and including effective date
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2010XS (5) 84
av/rj



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1 1 Section 1. NEW SECTION. 514M.1 Title.
1 2 This Act shall be known and may be cited as the "Iowa Health
1 3 Insurance Exchange Act".
1 4 Sec. 2. NEW SECTION. 514M.2 Purpose and intent.
1 5 The purpose of this Act is to provide for the establishment
1 6 of health insurance exchanges in this state to facilitate
1 7 the sale and purchase of qualified health benefit plans in
1 8 the individual market in this state and to assist qualified
1 9 small employers in the state in facilitating the availability
1 10 of qualified health benefit plans offered in the small group
1 11 market. The intent of authorizing the establishment of health
1 12 insurance exchanges in the state is to reduce the number of
1 13 uninsured, provide a transparent marketplace and consumer
1 14 education, and assist individuals with access to programs,
1 15 premium assistance tax credits, and cost-sharing reductions.
1 16 Sec. 3. NEW SECTION. 514M.3 Definitions.
1 17 As used in this chapter, unless the context otherwise
1 18 requires:
1 19 1. "Commissioner" means the commissioner of insurance.
1 20 2. "Exchange" means a health insurance exchange established
1 21 or approved pursuant to section 514M.4.
1 22 3. "Federal Act" means the federal Patient Protection and
1 23 Affordable Care Act, Pub. L. No. 111=148, as amended by the
1 24 federal Health Care and Education Reconciliation Act of 2010,
1 25 Pub. L. No. 111=152, and any amendments thereto, or regulations
1 26 or guidance issued under, those Acts.
1 27 4. a. "Health benefit plan" means a policy, contract,
1 28 certificate, or agreement offered or issued by a health carrier
1 29 to provide, deliver, arrange for, pay for, or reimburse any of
1 30 the costs of health care services.
1 31 b. "Health benefit plan" does not include any of the
1 32 following:
1 33 (1) Coverage only for accident, or disability income
1 34 insurance, or any combination thereof.
1 35 (2) Coverage issued as a supplement to liability insurance.



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- 2 1 (3) Liability insurance, including general liability
2 2 insurance and automobile liability insurance.
2 3 (4) Workers' compensation or similar insurance.
2 4 (5) Automobile medical payment insurance.
2 5 (6) Credit=only insurance.
2 6 (7) Coverage for on=site medical clinics.
2 7 (8) Other similar insurance coverage, specified in federal
2 8 regulations issued pursuant to Tit. XXVII of the federal Public
2 9 Health Service Act, as enacted by the federal Health Insurance
2 10 Portability and Accountability Act of 1996, Pub. L. No.
2 11 104=191, and amended by the federal Act, under which benefits
2 12 for health care services are secondary or incidental to other
2 13 insurance benefits.
- 2 14 c. "Health benefit plan" does not include any of the
2 15 following benefits if they are provided under a separate
2 16 policy, certificate, or contract of insurance or are otherwise
2 17 not an integral part of the plan:
- 2 18 (1) Limited scope dental or vision benefits.
2 19 (2) Benefits for long=term care, nursing home care, home
2 20 health care, community=based care, or any combination thereof.
2 21 (3) Other similar, limited benefits specified in federal
2 22 regulations issued pursuant to the federal Health Insurance
2 23 Portability and Accountability Act of 1996, Pub. L. No.
2 24 104=191.
- 2 25 d. "Health benefit plan" does not include any of the
2 26 following benefits if the benefits are provided under a
2 27 separate policy, certificate, or contract of insurance, there
2 28 is no coordination between the provision of the benefits
2 29 and any exclusion of benefits under any group health plan
2 30 maintained by the same plan sponsor, and the benefits are paid
2 31 with respect to an event without regard to whether benefits are
2 32 provided with respect to such an event under any group health
2 33 plan maintained by the same plan sponsor:
- 2 34 (1) Coverage only for a specified disease or illness.
2 35 (2) Hospital indemnity or other fixed indemnity insurance.



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3 1 e. "Health benefit plan" does not include any of the
3 2 following if offered as a separate policy, certificate, or
3 3 contract of insurance:
3 4 (1) Medicare supplemental health insurance as defined under
3 5 section 1882(g)(1) of the federal Social Security Act.
3 6 (2) Coverage supplemental to the coverage provided under 10
3 7 U.S.C. ch. 55, by the civilian health and medical program of
3 8 the uniformed services.
3 9 (3) Supplemental coverage similar to that provided under a
3 10 group health plan.
3 11 5. "Health carrier" means an entity subject to the insurance
3 12 laws and rules of this state, or subject to the jurisdiction
3 13 of the commissioner, that contracts or offers to contract to
3 14 provide, deliver, arrange for, pay for, or reimburse any of
3 15 the costs of health care services, including an insurance
3 16 company offering sickness and accident plans, a health
3 17 maintenance organization, a nonprofit hospital or health
3 18 service corporation, or any other entity providing a plan of
3 19 health insurance, health benefits, or health services.
3 20 6. "Insurance producer" means a person required to be
3 21 licensed under chapter 522B.
3 22 7. "Mandate-free health benefit plan" means a health
3 23 benefit plan that is exempt from some or all special health and
3 24 accident insurance coverages required pursuant to the federal
3 25 Act or chapter 514C.
3 26 8. "Qualified dental plan" means a limited scope dental plan
3 27 that has been certified in accordance with section 514M.8.
3 28 9. "Qualified employer" means a small employer that elects
3 29 to make its full-time employees eligible for one or more
3 30 qualified health benefit plans offered through the exchange,
3 31 and at the option of the employer, some or all of its part-time
3 32 employees, provided that the employer does either of the
3 33 following:
3 34 a. Has its principal place of business in this state and
3 35 elects to provide coverage through the exchange to all of its



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4 1 eligible employers wherever employed.
4 2 b. Elects to provide coverage through the exchange to all
4 3 of its eligible employees who are principally employed in this
4 4 state.
4 5 10. "Qualified health benefit plan" means a health benefit
4 6 plan that has in effect a certification as described in section
4 7 1311(c) of the federal Act and section 514M.8.
4 8 11. "Qualified individual" means an individual, including a
4 9 minor, who is all of the following:
4 10 a. Is seeking to enroll in a qualified health plan offered
4 11 to individuals through the exchange.
4 12 b. Is a resident of this state.
4 13 c. At the time of enrollment, is not incarcerated, other
4 14 than incarceration pending the disposition of charges.
4 15 d. Is, and is reasonably expected to be, for the entire
4 16 period for which enrollment is sought, a citizen or national of
4 17 the United States or an alien lawfully present in the United
4 18 States.
4 19 12. "Secretary" means the secretary of the United States
4 20 department of health and human services.
4 21 13. a. "Small employer" means an employer that employed an
4 22 average of one to fifty employees during the preceding calendar
4 23 year.
4 24 b. For the purposes of this subsection:
4 25 (1) All persons treated as a single employer under
4 26 subsection (b), (c), (m), or (o) of section 414 of the Internal
4 27 Revenue Code of 1986 shall be treated as a single employer.
4 28 (2) An employer and any predecessor employer shall be
4 29 treated as a single employer.
4 30 (3) All employees shall be counted, including part-time
4 31 employees and employees who are not eligible for coverage
4 32 through the employer.
4 33 (4) If an employer was not in existence throughout the
4 34 preceding calendar year, the determination of whether that
4 35 employer is a small employer shall be based on the average



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5 1 number of employees that is reasonably expected that employer
5 2 will employ on business days in the current calendar year.

5 3 (5) An employer that makes enrollment in qualified health
5 4 plans available to its employees through the small business
5 5 health options program exchange, and would cease to be a
5 6 small employer by reason of an increase in the number of its
5 7 employees, shall continue to be treated as a small employer
5 8 for purposes of this chapter as long as it continuously makes
5 9 enrollment through the small business health options program
5 10 exchange available to its employees.

5 11 Sec. 4. NEW SECTION. 514M.4 Establishment of Iowa health
5 12 insurance exchange ==== additional exchanges authorized.

5 13 1. A health insurance exchange shall be established in
5 14 this state, and subject to the discretion of the commissioner,
5 15 may be operated by the insurance division of the department
5 16 of commerce under the supervision of the commissioner or as
5 17 a nonprofit corporation approved by the commissioner. The
5 18 commissioner shall approve the establishment of one or more
5 19 exchanges in the state that meet the requirements of this
5 20 chapter. An exchange or components of an exchange established
5 21 or approved pursuant to this subsection may be operated on a
5 22 statewide or regional basis, or on a multistate basis, subject
5 23 to the approval of the commissioner. An exchange established
5 24 or approved pursuant to this subsection shall be operated
5 25 pursuant to a plan of operation approved by the commissioner.

5 26 2. The commissioner shall establish a provider
5 27 reimbursement system for health benefit plans issued in this
5 28 state that all health carriers and health providers may join to
5 29 facilitate fair and reasonable payments for the cost of health
5 30 care services provided pursuant to a health benefit plan.

5 31 3. The commissioner shall create a value or outcome-based
5 32 reimbursement system for health benefit plans issued in this
5 33 state to which all health carriers may subscribe.

5 34 4. An exchange shall do all of the following:

5 35 a. Facilitate the purchase and sale of qualified health



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6 1 benefit plans to qualified individuals and qualified employers
6 2 as described in this chapter and in the federal Act.
6 3 b. Meet the requirements of this chapter and any rules
6 4 adopted pursuant to this chapter.
6 5 5. All persons who enroll in a qualified health benefit plan
6 6 offered through an exchange shall be enrolled by an insurance
6 7 producer. The health carrier that issues the qualified health
6 8 benefit plan selected shall pay the producer a commission of
6 9 at least five percent of the premium paid by the enrollee.
6 10 If a health carrier offers health benefit plans outside the
6 11 exchange, the health carrier shall pay an insurance producer
6 12 that enrolls a person in that health benefit plan a commission
6 13 of at least five percent of the premium paid by the enrollee.
6 14 6. An exchange may employ staff to carry out the functions
6 15 of the exchange, but no public employee shall sell, solicit,
6 16 negotiate, advise, or counsel consumers on health insurance or
6 17 otherwise offer services for which a license as an insurance
6 18 producer is required pursuant to chapter 522B.
6 19 7. An exchange may contract with an eligible entity to
6 20 fulfill any of its responsibilities as described in this
6 21 chapter. An eligible entity includes but is not limited to an
6 22 entity that has experience in individual and small group health
6 23 benefit plans, benefit administration, or other experience
6 24 relevant to the responsibilities to be assumed by the entity.
6 25 However, a health carrier or an affiliate of a health carrier
6 26 is not an eligible entity for the purposes of this subsection.
6 27 8. An exchange may enter into information-sharing
6 28 agreements with federal and state agencies and other state
6 29 exchanges to carry out its responsibilities under this chapter
6 30 provided such agreements include adequate protections with
6 31 respect to the confidentiality of the information to be shared
6 32 and comply with all state and federal laws and regulations.
6 33 Sec. 5. NEW SECTION. 514M.5 General requirements.
6 34 1. An exchange or exchanges established or approved
6 35 pursuant to section 514M.4 shall make qualified health



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7 1 benefit plans that are effective on or before January 1, 2014,
7 2 available to qualified individuals and qualified employers in
7 3 the state.

7 4 2. The exchange or exchanges that are established or
7 5 approved shall request a five=year waiver from the secretary
7 6 from the certification requirements for health benefit plans of
7 7 the federal Act to enable the exchange to offer mandate=free
7 8 health benefit plans in addition to offering qualified health
7 9 benefit plans through the exchange.

7 10 3. The exchange or exchanges shall allow a health carrier
7 11 to offer a plan that provides limited scope dental benefits
7 12 meeting the requirements of section 9832(c)(2)(A) of the
7 13 Internal Revenue Code of 1986 through the exchange, either
7 14 separately or in conjunction with a qualified health benefit
7 15 plan, if the plan provides pediatric dental benefits meeting
7 16 the requirements of section 1302(b)(1)(J) of the federal Act.

7 17 4. An exchange or a health carrier offering qualified
7 18 health benefit plans through an exchange shall not charge an
7 19 individual a fee or penalty for termination of coverage if
7 20 the individual enrolls in another type of minimum essential
7 21 coverage because the individual has become newly eligible for
7 22 that coverage or because the individual's employer=sponsored
7 23 coverage has become affordable under the standards of the
7 24 federal Act, to be codified at section 36B(c)(2)(C) of the
7 25 Internal Revenue Code of 1986.

7 26 Sec. 6. NEW SECTION. 514M.6 Duties of an exchange.

7 27 An exchange established or approved pursuant to section
7 28 514M.4 shall do all of the following:

7 29 1. Implement procedures for the certification,
7 30 recertification, and decertification of health benefit plans
7 31 as qualified health benefit plans, consistent with guidelines
7 32 developed by the secretary under section 1311(c) of the federal
7 33 Act and applicable state law.

7 34 2. Provide for the operation of a toll=free telephone
7 35 hotline to respond to requests for assistance.



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8 1 3. Provide for enrollment periods, as determined by the
8 2 secretary under section 1311(c)(6) of the federal Act and
8 3 applicable state law.
8 4 4. Maintain an internet site through which enrollees and
8 5 prospective enrollees of qualified health benefit plans may
8 6 obtain standardized comparative information on such plans.
8 7 5. Assign a rating to each qualified health benefit plan
8 8 offered through the exchange in accordance with criteria
8 9 developed by the secretary under section 1311(c)(3) of the
8 10 federal Act, and determine the level of coverage of each
8 11 qualified health benefit plan in accordance with regulations
8 12 issued by the secretary under section 1302(d)(2)(A) of the
8 13 federal Act and applicable state law.
8 14 6. Utilize a standardized format for presenting health
8 15 benefit plan options in the exchange, including the use of the
8 16 uniform outline of coverage established under section 2715 of
8 17 the Public Health Service Act and applicable state law.
8 18 7. In accordance with section 1413 of the federal Act
8 19 and applicable state law, inform individuals of eligibility
8 20 requirements for the Medicaid program under Tit. XIX of the
8 21 federal Social Security Act, the children's health insurance
8 22 program under Tit. XXI of the federal Social Security Act, or
8 23 any applicable state or local public program and, if through
8 24 screening of an application by the exchange, the exchange
8 25 determines that any individual is eligible for any such
8 26 program, enroll that individual in that program.
8 27 8. Establish and make available by electronic means a
8 28 calculator to determine the actual cost of coverage after
8 29 application of any premium tax credit under the standards of
8 30 the federal Act to be codified at section 36B(c)(2)(C) of the
8 31 Internal Revenue Code of 1986 and any cost-sharing reductions
8 32 under section 1402 of the federal Act.
8 33 9. Establish a component of the exchange through which
8 34 qualified employers may access coverage for their eligible
8 35 employees and the employees can enroll in any qualified health



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9 1 benefit plan offered through the exchange at the level of
9 2 coverage specified by the employer.
9 3 10. Subject to section 1411 of the federal Act and
9 4 applicable state law, grant a certification attesting that,
9 5 for purposes of the individual responsibility penalty under
9 6 the standards of the federal Act, to be codified at section
9 7 5000A of the Internal Revenue Code of 1986, an individual is
9 8 exempt from the individual responsibility requirement or from
9 9 the penalty imposed by that section because of any of the
9 10 following:
9 11 a. There is no affordable qualified health benefit plan
9 12 available through the exchange, or the individual's employer,
9 13 covering the individual.
9 14 b. The individual meets the requirements for any other such
9 15 exemption from the individual responsibility requirement or
9 16 penalty.
9 17 11. Transfer to the United States secretary of the treasury
9 18 all of the following:
9 19 a. A list of the individuals who are issued a certification
9 20 under subsection 10, paragraph "a", including the name and
9 21 taxpayer identification number of each individual.
9 22 b. The name and taxpayer identification number of each
9 23 individual who was an employee of an employer but who was
9 24 determined to be eligible for the premium tax credit under
9 25 the standards of the federal Act to be codified at section
9 26 36B(c)(2)(C) of the Internal Revenue Code of 1986, because of
9 27 either of the following:
9 28 (1) The employer did not provide minimum essential health
9 29 benefits coverage.
9 30 (2) The employer provided the minimum essential health
9 31 benefits coverage, but it was determined under the standards
9 32 of the federal Act, to be codified at section 36B(c)(2)(C) of
9 33 the Internal Revenue Code of 1986, to either be unaffordable to
9 34 the employee or not to provide the required minimum actuarial
9 35 value.



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10 1 c. The name and taxpayer identification number of all of the
10 2 following:
10 3 (1) Each individual who notifies the exchange under section
10 4 1411(b)(4) of the federal Act that the individual has changed
10 5 employers.
10 6 (2) Each individual who ceases coverage under a qualified
10 7 health benefit plan during a plan year and the effective date
10 8 of that cessation.
10 9 12. Provide to each employer the name of each employee of
10 10 the employer described in subsection 11, paragraph "b", who
10 11 ceases coverage under a qualified health benefit plan during a
10 12 plan year and the effective date of the cessation.
10 13 13. Perform duties required of, or delegated to, the
10 14 exchange by the secretary, the United States secretary of
10 15 the treasury, or the commissioner related to determining
10 16 eligibility for premium tax credits, reduced cost-sharing, or
10 17 individual responsibility requirement exemptions.
10 18 14. Review the rate of premium growth within the exchange
10 19 and outside the exchange, and consider the information obtained
10 20 in developing recommendations on whether to continue limiting
10 21 qualified employer status to small employers.
10 22 15. Credit the amount of any free choice voucher to the
10 23 monthly premium of the plan in which a qualified employee is
10 24 enrolled, in accordance with section 10108 of the federal Act,
10 25 and collect the amount credited from the offering employer.
10 26 16. Meet all of the following financial integrity
10 27 requirements:
10 28 a. Keep an accurate accounting of all activities, receipts,
10 29 and expenditures of the exchange and annually submit to the
10 30 commissioner a report concerning such accountings.
10 31 b. Fully cooperate with any investigation conducted by
10 32 the secretary pursuant to the secretary's authority under the
10 33 federal Act, and allow the secretary, in coordination with the
10 34 inspector general of the United States department of health and
10 35 human services, to do all of the following:



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11 1 (1) Investigate the affairs of the exchange.
11 2 (2) Examine the properties and records of the exchange.
11 3 (3) Require periodic reports in relation to the activities
11 4 undertaken by the exchange.
11 5 Sec. 7. NEW SECTION. 514M.7 Navigators.
11 6 1. An exchange may select entities qualified to serve as
11 7 navigators in accordance with section 1311(i) of the federal
11 8 Act, standards developed by the secretary, and applicable state
11 9 law, and award grants to enable navigators to do all of the
11 10 following:
11 11 a. Conduct public education activities to raise awareness
11 12 of the availability of qualified health benefit plans through
11 13 an exchange.
11 14 b. Distribute fair and impartial information concerning
11 15 enrollment in qualified health benefit plans, and the
11 16 availability of premium tax credits under the standards of the
11 17 federal Act, to be codified at section 36B(c)(2)(C) of the
11 18 Internal Revenue Code of 1986, and any cost-sharing reductions
11 19 under section 1402 of the federal Act.
11 20 c. Facilitate enrollment through an insurance producer in
11 21 qualified health benefit plans through an exchange or in health
11 22 benefit plans outside an exchange.
11 23 d. Provide referrals to the office of health insurance
11 24 consumer assistance established under the federal Act pursuant
11 25 to section 2793 of the federal Public Health Service Act
11 26 and the office of the commissioner or any other appropriate
11 27 state agency, for any enrollee with a grievance, complaint,
11 28 or question regarding the enrollee's health benefit plan,
11 29 coverage, or a determination under that plan or coverage.
11 30 e. Provide information in a manner that is culturally and
11 31 linguistically appropriate to the needs of the population being
11 32 served by an exchange.
11 33 2. All entities qualified as navigators that facilitate
11 34 enrollment in health benefit plans shall be licensed as
11 35 insurance producers or shall utilize the services of an



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12 1 insurance producer to assist in such facilitation.
12 2 3. All entities that provide facilitation for a navigator
12 3 shall be licensed as insurance producers.
12 4 Sec. 8. NEW SECTION. 514M.8 Health benefit plan
12 5 certification.
12 6 1. An exchange may certify a health benefit plan as a
12 7 qualified health benefit plan if the plan meets all of the
12 8 following criteria:
12 9 a. The plan provides the essential health benefit package
12 10 described in section 1302(a) of the federal Act, except that
12 11 the plan is not required to provide essential benefits that
12 12 duplicate the minimum benefits of qualified dental plans, as
12 13 provided in subsection 5, if all of the following occur:
12 14 (1) The exchange determines that at least one qualified
12 15 dental plan is available to supplement the plan's coverage.
12 16 (2) The health carrier makes a prominent disclosure at the
12 17 time it offers the plan, in a form approved by the exchange,
12 18 that the plan does not provide the full range of essential
12 19 pediatric benefits and that qualified dental plans providing
12 20 those benefits and other dental benefits not covered by the
12 21 plan are offered through the exchange.
12 22 b. The premium rates and contract language have been
12 23 approved by the commissioner.
12 24 c. The plan provides at least a bronze level of coverage,
12 25 as that level is defined by the federal Act, unless the plan
12 26 is certified as a qualified catastrophic plan, meets the
12 27 requirements of the federal Act for catastrophic plans, and
12 28 will only be offered to individuals eligible for catastrophic
12 29 coverage.
12 30 d. The plan's cost-sharing requirements do not exceed the
12 31 limits established under section 1302(c)(1) of the federal
12 32 Act, and if the plan is offered through the component of the
12 33 exchange that offers plans to small employers, the plan's
12 34 deductible does not exceed the limits established under section
12 35 1302(c)(2) of the federal Act.



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13 1 e. The plan offers wellness programs.

13 2 f. The health carrier offering the plan provides greater
13 3 transparency and disclosure of information about the plan
13 4 benefits, provider networks, claim payment practices, and
13 5 solvency ratings, and establishes a process for consumers to
13 6 compare features of health benefit plans offered through an
13 7 exchange or exchanges that have been established or approved
13 8 pursuant to section 514M.4.

13 9 g. The health carrier offering the plan meets all of the
13 10 following criteria:

13 11 (1) Is licensed and in good standing to offer health
13 12 insurance coverage in this state.

13 13 (2) Offers at least one qualified health benefit plan in
13 14 the silver level and at least one qualified health benefit plan
13 15 in the gold level, as those levels are defined in the federal
13 16 Act, through each component of the exchange in which the health
13 17 carrier participates, where component refers to the components
13 18 of the exchange which offer individual coverage and coverage
13 19 for small employers.

13 20 (3) Charges the same premium rate for each qualified health
13 21 benefit plan without regard to whether the plan is offered
13 22 through the exchange.

13 23 (4) Does not charge any termination of coverage fees or
13 24 penalties in violation of section 514M.5.

13 25 (5) Complies with the regulations developed by the
13 26 secretary under section 1311(d) of the federal Act, applicable
13 27 state laws, and such other requirements as the exchange may
13 28 establish.

13 29 h. The plan meets the requirements of certification as
13 30 adopted by rule pursuant to this section and by the secretary
13 31 under section 1311(c) of the federal Act, which include but
13 32 are not limited to minimum standards in the areas of marketing
13 33 practices, network adequacy, essential community providers in
13 34 underserved areas, accreditation, quality improvement, uniform
13 35 enrollment forms and descriptions of coverage, and information



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14 1 on quality measures for health benefit plan performance.
14 2 i. The exchange determines that making the health benefit
14 3 plan available through the exchange is in the interest of
14 4 qualified individuals and qualified employers in the state.
14 5 2. An exchange shall not exclude a health benefit plan from
14 6 certification for any of the following reasons:
14 7 a. On the basis that the plan is a fee=for=service plan.
14 8 b. Through the imposition of premium price controls.
14 9 c. On the basis that the health benefit plan provides
14 10 treatments necessary to prevent patients' deaths in
14 11 circumstances the exchange determines are inappropriate or too
14 12 costly.
14 13 3. An exchange shall permit individuals to learn, in a
14 14 timely manner upon the request of an individual, the amount
14 15 of cost=sharing, including deductibles, copayments, and
14 16 coinsurance, under the individual's plan or coverage that the
14 17 individual would be responsible for paying with respect to the
14 18 furnishing of a specific item or service by a participating
14 19 provider. At a minimum, this information shall be made
14 20 available to the individual through an internet site and
14 21 through other means for individuals without access to the
14 22 internet.
14 23 4. An exchange shall not exempt any health carrier seeking
14 24 certification of a health benefit plan, regardless of the type
14 25 or size of the health carrier, from applicable state licensure
14 26 or solvency requirements and shall apply the criteria of this
14 27 section in a manner that assures a level playing field between
14 28 or among health carriers participating in the exchange.
14 29 5. a. The provisions of this chapter that are applicable
14 30 to qualified health benefit plans shall also apply to the
14 31 extent relevant to qualified dental plans except as modified in
14 32 accordance with the provisions of paragraphs "b", "c", and "d"
14 33 or by rules adopted by an exchange.
14 34 b. A health carrier shall be licensed to offer dental
14 35 coverage, but is not required to be licensed to offer other



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15 1 health benefits.

15 2 c. A qualified dental plan shall be limited to dental and
15 3 oral health benefits, without substantially duplicating the
15 4 benefits typically offered by health benefit plans without
15 5 dental coverage and shall include, at a minimum, the essential
15 6 pediatric dental benefits prescribed by the secretary pursuant
15 7 to section 1302(b)(1)(J) of the federal Act, and such other
15 8 dental benefits as an exchange or the secretary may specify by
15 9 regulation or rule.

15 10 d. Health carriers may jointly offer a comprehensive plan
15 11 through an exchange in which the dental benefits are provided
15 12 by a health carrier through a qualified dental plan and the
15 13 other benefits are provided by a health carrier through a
15 14 qualified health benefit plan, provided that the plans are
15 15 priced separately and are also made available for purchase
15 16 separately at the same price.

15 17 Sec. 9. NEW SECTION. 514M.9 Funding ==== publication of
15 18 costs.

15 19 1. An exchange may charge assessments or user fees to health
15 20 carriers that offer health benefit plans through the exchange
15 21 or may otherwise generate the funding necessary to support the
15 22 operation of the exchange, as provided pursuant to the plan of
15 23 operation of the exchange.

15 24 2. An exchange shall publish the average costs of licensing,
15 25 regulatory fees, and any other payments required by the
15 26 exchange, and the administrative costs of the exchange, on an
15 27 internet site for the purpose of educating consumers about the
15 28 costs of operating the exchange. The information provided
15 29 shall include information on moneys lost due to waste, fraud,
15 30 and abuse of the health care system.

15 31 Sec. 10. NEW SECTION. 514M.10 Rules.

15 32 The commissioner shall adopt rules pursuant to chapter 17A
15 33 to administer the provisions of this chapter. Rules adopted
15 34 under this section shall not conflict with or prevent the
15 35 application of regulations promulgated by the secretary under



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16 1 the federal Act.

16 2 Sec. 11. NEW SECTION. 514M.11 Advisory committee ==== risk
16 3 adjustment.

16 4 The commissioner shall establish an advisory committee
16 5 within the division of insurance of the department of commerce
16 6 to develop a risk adjustment mechanism that will apportion
16 7 risk among the health carriers providing defined contribution
16 8 health benefit plans, to protect those health carriers from
16 9 the risks of adverse selection. The commissioner may delegate
16 10 the responsibility for development of this mechanism to an
16 11 exchange.

16 12 Sec. 12. NEW SECTION. 514M.12 Relation to other laws.

16 13 This chapter, and action taken by an exchange pursuant to
16 14 this chapter, shall not be construed to preempt or supersede
16 15 the authority of the commissioner to regulate the business
16 16 of insurance in this state. Except as expressly provided to
16 17 the contrary in this chapter, all health carriers offering
16 18 qualified health benefit plans in this state shall comply fully
16 19 with all applicable health insurance laws of this state and
16 20 rules adopted and orders issued by the commissioner.

16 21 Sec. 13. FUTURE REPEAL. If the federal Act is repealed
16 22 by federal legislation or is ruled invalid by a federal court
16 23 decision, chapter 514M is repealed effective twelve months
16 24 after the effective date of such federal legislation or after
16 25 the date of the federal court decision.

16 26 Sec. 14. CONTINGENT EFFECTIVE DATE. This Act takes effect
16 27 six months prior to the date upon which an exchange is required
16 28 by federal law to be operational.

16 29 EXPLANATION

16 30 This bill authorizes the establishment of health insurance
16 31 exchanges in the state.

16 32 The bill creates new Code chapter 514M, which authorizes the
16 33 establishment of health insurance exchanges in the state to
16 34 facilitate the purchase and sale of qualified health benefit
16 35 plans in the individual market in this state and to assist



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17 1 qualified small employers in facilitating the availability
17 2 of qualified health benefit plans offered in the small group
17 3 market. The intent of establishing of such exchanges is
17 4 to reduce the number of uninsured, provide a transparent
17 5 marketplace and consumer education, and assist individuals
17 6 with access to programs, premium assistance tax credits, and
17 7 cost-sharing reductions.

17 8 A health insurance exchange shall be established in the
17 9 state, and subject to the discretion of the commissioner of
17 10 insurance, may be operated by the insurance division of the
17 11 department of commerce or as a nonprofit corporation approved
17 12 by the commissioner. The commissioner is required to approve
17 13 the establishment of one or more exchanges in the state that
17 14 meet the requirements of new Code chapter 514M. An exchange
17 15 or components of an exchange may be operated on a statewide
17 16 or regional basis, or on a multistate basis, subject to the
17 17 approval of the commissioner. Such an exchange shall be
17 18 operated pursuant to a plan of operation approved by the
17 19 commissioner.

17 20 All persons who enroll in a qualified health benefit plan
17 21 offered through an exchange must be enrolled by an insurance
17 22 producer who is licensed as provided in Code chapter 522B. The
17 23 health carrier that issues the qualified health benefit plan
17 24 selected must pay the insurance producer a commission of at
17 25 least 5 percent of the premium paid by the enrollee. If a
17 26 health carrier offers health benefit plans outside an exchange,
17 27 the health carrier must also pay the producer involved in the
17 28 sale a commission of at least 5 percent of the premium paid by
17 29 the enrollee.

17 30 An exchange may contract with an eligible entity to
17 31 fulfill any of its responsibilities as described in new Code
17 32 chapter 514M. An eligible entity includes an entity with
17 33 experience in individual and small group health benefit plans,
17 34 benefit administration, or other experience relevant to the
17 35 responsibilities to be assumed by the entity, but does not



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18 1 include a health carrier or its affiliate. An exchange may
18 2 also enter into information-sharing agreements with federal
18 3 and state agencies and other state exchanges if there are
18 4 adequate protections with respect to the confidentiality of the
18 5 information to be shared.

18 6 An exchange established or approved pursuant to Code section
18 7 514M.4 is required to make qualified health benefit plans
18 8 that are effective on or before January 1, 2014, available
18 9 to qualified individuals and qualified employers. Such an
18 10 exchange is also required to request a five-year waiver from
18 11 the secretary of the United States department of health and
18 12 human services of the certification requirements for health
18 13 benefit plans of the federal Patient Protection and Affordable
18 14 Care Act (PPACA), to enable the exchange to offer mandate-free
18 15 health benefit plans that are exempt from some or all of
18 16 the special health and accident insurance coverages required
18 17 pursuant to the federal Act or Code chapter 514C.

18 18 An exchange or a health carrier offering qualified health
18 19 benefit plans through the exchange cannot charge an individual
18 20 a fee or penalty for termination of coverage if the individual
18 21 enrolls in another type of minimum essential coverage because
18 22 the individual is newly eligible for that coverage or because
18 23 the individual's employer-sponsored coverage has become
18 24 affordable.

18 25 The bill specifies the duties of an exchange to carry out
18 26 the intent of the Code chapter consistent with the PPACA and
18 27 state law. The bill authorizes an exchange to select entities
18 28 to serve as navigators and to award grants to enable navigators
18 29 to conduct public education activities; distribute fair and
18 30 impartial information concerning enrollment in qualified health
18 31 benefit plans including the availability of premium tax credits
18 32 and cost-sharing reductions; facilitate enrollment through an
18 33 insurance producer in health benefit plans through or outside
18 34 the exchange; provide referrals to the federal office of health
18 35 insurance consumer assistance; and provide information that is



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19 1 culturally and linguistically appropriate to the needs of the
19 2 population being served by the exchange. Entities qualified as
19 3 navigators that facilitate enrollment in health benefit plans
19 4 must be licensed as insurance producers or utilize the services
19 5 of an insurance producer to assist in such facilitation. All
19 6 entities that provide facilitation for a navigator shall be
19 7 licensed as insurance producers.

19 8 An exchange is given parameters for certifying health
19 9 benefit plans as qualified health benefit plans. Under the
19 10 PPACA, only qualified health benefit plans can be sold through
19 11 an exchange and a health benefit plan must be certified as
19 12 meeting certain minimum standards specified in the PPACA
19 13 and in new Code chapter 514M to be certified as a qualified
19 14 health benefit plan. Also, a health carrier must meet certain
19 15 standards in order to have its plans certified so that the
19 16 plans can be offered through an exchange.

19 17 An exchange is authorized to charge assessments or user fees
19 18 to health carriers that offer health benefit plans through
19 19 the exchange, or to otherwise generate the funding necessary
19 20 to support the operation of the exchange, as provided in the
19 21 plan of operation of the exchange. An exchange is required
19 22 to publish the average costs of licensing, regulatory fees,
19 23 and any other payments required by the exchange and the
19 24 administrative costs of the exchange on an internet site, to
19 25 educate consumers about the costs of operating the exchange.
19 26 The commissioner of insurance is required to adopt rules
19 27 pursuant to Code chapter 17A to administer the provisions of
19 28 the new Code chapter.

19 29 The commissioner is required to establish an advisory
19 30 committee or delegate the responsibility to an exchange, to
19 31 develop a risk adjustment mechanism that will apportion risk
19 32 among the health carriers providing defined contribution health
19 33 benefit plans, to protect those health carriers from the risks
19 34 of adverse selection.

19 35 The bill takes effect six months prior to the date upon



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20 1 which an exchange is required by federal law to be operational.
20 2 If the PPACA is repealed by federal legislation or is ruled
20 3 invalid by a federal court decision, new Code chapter 514M is
20 4 repealed effective 12 months after the effective date of such
20 5 federal legislation or after the date of the federal court
20 6 decision.

LSB 2010XS (5) 84

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Senate File 236 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1072)

A BILL FOR

1 An Act relating to the practices and procedures of the
2 department of public safety including the state fire service
3 and emergency response council, the state building code
4 commissioner, fingerprint records, disposition records,
5 the sex offender registry, and access to deferred judgment
6 docket records.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1288SV (2) 84
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1 1 Section 1. Section 100B.1, subsection 1, paragraph a,
1 2 subparagraph (1), subparagraph division (c), Code 2011, is
1 3 amended to read as follows:
1 4 (c) ~~One member~~ Two members from a list submitted by the Iowa
1 5 association of professional fire fighters.
1 6 Sec. 2. Section 100B.1, subsection 1, paragraph a,
1 7 subparagraph (1), subparagraph division (e), Code 2011, is
1 8 amended by striking the subparagraph division.
1 9 Sec. 3. Section 104B.1, subsection 4, Code 2011, is amended
1 10 by striking the subsection.
1 11 Sec. 4. Section 690.2, Code 2011, is amended to read as
1 12 follows:
1 13 690.2 Finger and palm prints ==== photographs ==== duty of
1 14 sheriff and chief of police.
1 15 The sheriff of every county, and the chief of police of
1 16 each city regardless of the form of government thereof, shall
1 17 take the fingerprints of all unidentified dead bodies in their
1 18 respective jurisdictions and all persons who are taken into
1 19 custody for the commission of a serious misdemeanor, aggravated
1 20 misdemeanor, or felony and shall forward such fingerprint
1 21 records on such forms and in such manner as may be prescribed
1 22 by the commissioner of public safety, within two working days
1 23 after the fingerprint records are taken, to the department of
1 24 public safety ~~and, if appropriate, to the federal bureau of~~
1 25 ~~investigation~~. Fingerprints may be taken of a person who has
1 26 been arrested for a simple misdemeanor subject to an enhanced
1 27 penalty for conviction of a second or subsequent offense. In
1 28 addition to the fingerprints as herein provided, any such
1 29 officer may also take the photograph and palm prints of any
1 30 such person and forward them to the department of public
1 31 safety. If a defendant is convicted by a court of this state of
1 32 an offense which is a simple misdemeanor subject to an enhanced
1 33 penalty for conviction of a second or subsequent offense, a
1 34 serious misdemeanor, an aggravated misdemeanor, or a felony,
1 35 the court shall determine whether such defendant has previously



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2 1 been fingerprinted in connection with the criminal proceedings
2 2 leading to the conviction and, if not, shall order that the
2 3 defendant be fingerprinted and those prints submitted to the
2 4 department of public safety. The court shall also order that
2 5 a juvenile adjudicated delinquent for an offense which would
2 6 be an offense other than a simple misdemeanor if committed by
2 7 an adult, be fingerprinted and the prints submitted to the
2 8 department of public safety if the juvenile has not previously
2 9 been fingerprinted. The taking of fingerprints for a serious
2 10 misdemeanor offense under chapter 321 or 321A is not required
2 11 under this section.

2 12 Sec. 5. Section 690.4, Code 2011, is amended to read as
2 13 follows:

2 14 690.4 Fingerprints and photographs at institutions.

2 15 1. The warden of the Iowa medical and classification center
2 16 and superintendent of the state training school shall take or
2 17 procure the taking of the fingerprints, and, in the case of
2 18 the Iowa medical and classification center only, Bertillon
2 19 photographs of any person received on commitment to their
2 20 respective institutions, and shall forward such fingerprint
2 21 records and photographs within ten days after they are taken
2 22 to the department of public safety ~~and to the federal bureau~~
~~2 23 of investigation.~~ Information obtained from fingerprint cards
2 24 submitted pursuant to this section may be retained by the
2 25 department of public safety as criminal history records. If
2 26 a charge for a serious misdemeanor, aggravated misdemeanor,
2 27 or felony is brought against a person already in the custody
2 28 of a law enforcement or correctional agency and the charge is
2 29 filed in a case separate from the case for which the person
2 30 was previously arrested or confined, the agency shall take the
2 31 fingerprints of the person in connection with the new case and
2 32 submit them to the department of public safety.

2 33 2. The wardens and superintendents of all department
2 34 of corrections facilities shall procure the taking of a
2 35 photograph showing the facial features of each inmate of a



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3 1 state correctional institution prior to the inmate's discharge.
3 2 The photograph shall be placed in the inmate's file and shall
3 3 be made available to the Iowa department of public safety upon
3 4 request.

3 5 Sec. 6. Section 692.15, subsection 6, Code 2011, is amended
3 6 to read as follows:

3 7 6. Any disposition report shall be sent to the department
3 8 within thirty days after disposition either electronically or
3 9 on a printed form provided by the department.

3 10 Sec. 7. Section 692A.102, subsection 1, paragraph a,
3 11 subparagraph (6), subparagraph division (b), Code 2011, is
3 12 amended to read as follows:

3 13 (b) Stalking in violation of section 708.11, ~~except a~~
~~3 14 violation of subsection 3, paragraph "b", subparagraph (3), if~~
3 15 a determination is made that the offense was sexually motivated
3 16 pursuant to section 692A.126, ~~except a violation of section~~
3 17 ~~708.11, subsection 3, paragraph "b", subparagraph (3), shall be~~
3 18 classified a tier II offense as provided in paragraph "b".

3 19 Sec. 8. Section 692A.126, subsection 1, paragraph g, Code
3 20 2011, is amended to read as follows:

3 21 g. Stalking in violation of section 708.11, ~~subsection 3,~~
~~3 22 paragraph "b", subparagraph (3).~~

3 23 Sec. 9. Section 907.4, Code 2011, is amended to read as
3 24 follows:

3 25 907.4 Deferred judgment docket.

3 26 A deferment of judgment under section 907.3 shall be entered
3 27 promptly by the clerk of the district court, or the clerk's
3 28 designee, into the deferred judgment database of the state,
3 29 which shall serve as the deferred judgment docket. The docket
3 30 shall contain a permanent record of the deferred judgment
3 31 including the name and date of birth of the defendant, the
3 32 district court docket number, the nature of the offense, and
3 33 the date of the deferred judgment. Before granting deferred
3 34 judgment in any case, the court shall search the deferred
3 35 judgment docket and shall consider any prior record of a



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4 1 deferred judgment against the defendant. The permanent record
4 2 provided for in this section is a confidential record exempted
4 3 from public access under section 22.7 and shall be available
4 4 only to justices of the supreme court, judges of the court of
4 5 appeals, district judges, district associate judges, judicial
4 6 magistrates, clerks of the district court, judicial district
4 7 departments of correctional services, county attorneys, the
4 8 department of public safety, and the department of corrections
4 9 requesting information pursuant to this section, or the
4 10 designee of a justice, judge, magistrate, clerk, judicial
4 11 district department of correctional services, or county
4 12 attorney, or ~~department~~ departments.

4 13 EXPLANATION

4 14 This bill relates to the practices and procedures of the
4 15 department of public safety.

4 16 The bill changes the membership on the state fire service
4 17 and emergency response council. The bill strikes the member
4 18 on the council from the Iowa fire fighters group and adds an
4 19 additional member to the council from the Iowa association of
4 20 professional fire fighters.

4 21 The bill eliminates the authority of the state building
4 22 code commissioner to adopt rules to enforce Code chapter 104B
4 23 (minimum plumbing facilities). The plumbing and mechanical
4 24 systems board's authority to establish rules relating to
4 25 plumbing is not affected by the bill.

4 26 The bill eliminates the requirement that a local law
4 27 enforcement agency, the department of corrections, the warden
4 28 of the Iowa medical and classification center, and the state
4 29 training school to send fingerprints, and in some cases
4 30 photographs, to the federal bureau of investigation (FBI).
4 31 The bill does not eliminate the requirement of such entities
4 32 to send fingerprints, palm prints, and photographs to the
4 33 department of public safety.

4 34 The bill specifies that the courts may send the disposition
4 35 records of criminal cases to the department of public safety



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5 1 in an electronic format. Current law requires the disposition
5 2 records of criminal cases to be sent by the courts to the
5 3 department of public safety on a form prescribed by the
5 4 department.
5 5 The bill specifies that all persons who commit stalking
5 6 in violation of Code section 708.11 shall register as a sex
5 7 offender under Code chapter 692A, if the finder of fact (judge
5 8 or jury) determines the offense was sexually motivated.
5 9 The bill permits the department of public safety to have
5 10 access to the deferred judgment docket. Current law allows
5 11 judges and other state agencies access to the deferred judgment
5 12 docket. A deferred judgment is a sentencing option where both
5 13 the adjudication of guilt and the imposition of a sentence are
5 14 deferred by the court.

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jm/nh



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Senate File 237 - Introduced

SENATE FILE
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO SF 178)

A BILL FOR

1 An Act relating to community development by allocating tax
2 credits for redevelopment of brownfields and grayfields and
3 by making an appropriation for certain community partnership
4 programs designed to support community beautification
5 projects.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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tw/sc



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1 1 Section 1. Section 15.119, subsection 2, Code 2011, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. f. The redevelopment tax credit program for
1 4 brownfields and grayfields administered pursuant to sections
1 5 15.293A and 15.293B.
1 6 Sec. 2. Section 15.119, Code 2011, is amended by adding the
1 7 following new subsection:
1 8 NEW SUBSECTION. 2A. In allocating the amount of tax
1 9 credits authorized pursuant to subsection 1 among the programs
1 10 specified in subsection 2, the department shall allocate at
1 11 least five million dollars for purposes of subsection 2,
1 12 paragraph "f".
1 13 Sec. 3. Section 15.291, subsection 5, Code 2011, is amended
1 14 to read as follows:
1 15 5. "Qualifying investment" means ~~the purchase price, the~~
1 16 ~~cleanup costs, and the redevelopment costs that are directly~~
1 17 related to a qualifying redevelopment project and that are
1 18 incurred after the project has been registered and approved by
1 19 the board. "Qualifying investment" only includes the purchase
1 20 price, the cleanup costs, and the redevelopment costs.
1 21 Sec. 4. Section 15.292, subsections 1 and 4, Code 2011, are
1 22 amended to read as follows:
1 23 1. The department shall establish and administer a
1 24 brownfield redevelopment program for purposes of providing
1 25 financial and technical assistance for the acquisition,
1 26 remediation, or redevelopment of brownfield sites. Financial
1 27 assistance under the program shall be provided from the
1 28 brownfield redevelopment fund created in section 15.293.
1 29 ~~Technical assistance under the program shall be in the form~~
1 30 ~~of providing an applicant with assistance in identifying~~
1 31 ~~other alternative forms of assistance for which the applicant~~
1 32 ~~may be eligible. The department may provide information on~~
1 33 alternative forms of assistance.
1 34 4. An application for assistance under the program shall
1 35 include any information required by the department including,



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~~2 1 but not limited to, all of the following:~~
~~2 2 a. A business plan which includes a remediation plan.~~
~~2 3 b. A budget for remediating or redeveloping the site.~~
~~2 4 c. A statement of purpose describing the intended use of~~
~~2 5 and proposed repayment schedule for any financial assistance~~
~~2 6 received by the applicant.~~
~~2 7 d. Evidence of sponsorship.~~
~~2 8 e. Other information the department deems necessary in order~~
~~2 9 to process and review the application.~~
~~2 10 Sec. 5. Section 15.293A, subsections 2, 6, 7, 8, and 9, Code~~
~~2 11 2011, are amended to read as follows:~~
~~2 12 2. a.(1) The department shall accept and, in conjunction~~
~~2 13 with the council and the board, review applications for tax~~
~~2 14 credits pursuant to this section.~~
~~2 15 (2) Upon review of an application, the department may~~
~~2 16 register the project under the program. If the department~~
~~2 17 registers the project, the department shall, in conjunction~~
~~2 18 with the council and the board, make a preliminary~~
~~2 19 determination as to the amount of tax credit for which the~~
~~2 20 investor qualifies.~~
~~2 21 (3) After registering the project, the department~~
~~2 22 shall issue a letter notifying the investor of successful~~
~~2 23 registration under the program. The letter shall include~~
~~2 24 the amount of tax credit for which the investor has received~~
~~2 25 preliminary approval. The letter shall state that the amount~~
~~2 26 is a preliminary determination only. The amount of tax credit~~
~~2 27 included on a certificate issued pursuant to this section~~
~~2 28 shall be contingent upon completion of the requirements of~~
~~2 29 subparagraphs (4) and (5).~~
~~2 30 (4) Upon completion of a registered project, an audit~~
~~2 31 of the project, completed by an independent certified public~~
~~2 32 accountant licensed in this state, shall be submitted to the~~
~~2 33 department.~~
~~2 34 (5) Upon review of the audit and verification of the amount~~
~~2 35 of the investment, the department may issue a certificate to~~



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3 1 the investor stating the amount of tax credit the investor may
3 2 claim.

3 3 b. (1) To claim a redevelopment tax credit under this
3 4 section, a taxpayer must attach one or more tax credit
3 5 certificates to the taxpayer's tax return. A tax credit
3 6 certificate shall not be used or attached to a return filed
3 7 for a taxable year beginning prior to July 1, 2009. ~~The tax~~
~~3 8 credit certificate or certificates attached to the taxpayer's~~
~~3 9 tax return shall be issued in the taxpayer's name, expire on or~~
~~3 10 after the last day of the taxable year for which the taxpayer~~
~~3 11 is claiming the tax credit, and show a tax credit amount equal~~
~~3 12 to or greater than the tax credit claimed on the taxpayer's tax~~
~~3 13 return.~~

3 14 b. (2) ~~After verifying the eligibility of a qualifying~~
~~3 15 investor for a tax credit pursuant to this section, the~~
~~3 16 department of economic development shall issue a redevelopment~~
~~3 17 tax credit certificate to be attached to the investor's~~
~~3 18 tax return.~~ The tax credit certificate shall contain the
3 19 taxpayer's name, address, tax identification number, the amount
3 20 of the credit, the name of the qualifying investor, any other
3 21 information required by the department of revenue, and a place
3 22 for the name and tax identification number of a transferee and
3 23 the amount of the tax credit being transferred.

3 24 ~~e. (3)~~ The tax credit certificate, unless rescinded by
3 25 the board, shall be accepted by the department of revenue as
3 26 payment for taxes imposed pursuant to chapter 422, divisions
3 27 II, III, and V, and in chapter 432, and for the moneys and
3 28 credits tax imposed in section 533.329, subject to any
3 29 conditions or restrictions placed by the board upon the face of
3 30 the tax credit certificate and subject to the limitations of
3 31 this section.

3 32 ~~d. (4)~~ Tax credit certificates issued under this section
3 33 may be transferred to any person or entity. Within ninety days
3 34 of transfer, the transferee shall submit the transferred tax
3 35 credit certificate to the department of revenue along with a



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4 1 statement containing the transferee's name, tax identification
4 2 number, and address, the denomination that each replacement
4 3 tax credit certificate is to carry, and any other information
4 4 required by the department of revenue.

4 5 ~~en~~ (5) Within thirty days of receiving the transferred
4 6 tax credit certificate and the transferee's statement, the
4 7 department of revenue shall issue one or more replacement tax
4 8 credit certificates to the transferee. Each replacement tax
4 9 credit certificate must contain the information required for
4 10 the original tax credit certificate and must have the same
4 11 expiration date that appeared in the transferred tax credit
4 12 certificate. Tax credit certificate amounts of less than
4 13 the minimum amount established by rule of the department of
4 14 economic development shall not be transferable.

4 15 ~~en~~ (6) A tax credit shall not be claimed by a transferee
4 16 under this section until a replacement tax credit certificate
4 17 identifying the transferee as the proper holder has been
4 18 issued. The transferee may use the amount of the tax credit
4 19 transferred against the taxes imposed in chapter 422, divisions
4 20 II, III, and V, and in chapter 432, and against the moneys and
4 21 credits tax imposed in section 533.329, for any tax year the
4 22 original transferor could have claimed the tax credit. Any
4 23 consideration received for the transfer of the tax credit shall
4 24 not be included as income under chapter 422, divisions II, III,
4 25 and V, under chapter 432, or against the moneys and credits tax
4 26 imposed in section 533.329. Any consideration paid for the
4 27 transfer of the tax credit shall not be deducted from income
4 28 under chapter 422, divisions II, III, and V, under chapter
4 29 432, or against the moneys and credits tax imposed in section
4 30 533.329.

4 31 6. For the fiscal year beginning July 1, 2009, the maximum
4 32 amount of tax credits issued by the department shall not
4 33 exceed one million dollars. ~~The department shall not issue~~
~~4 34 tax credits pursuant to this section in subsequent fiscal~~
~~4 35 years unless authorized pursuant to this subsection. For each~~



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5 1 subsequent fiscal year, the amount of tax credits that may be
5 2 issued by the department shall be subject to the limitation in
5 3 section 15.119.

5 4 7. An investment shall be deemed to have been made on the
5 5 date the qualifying redevelopment project is completed. ~~An~~
~~5 6 investment made prior to January 1, 2009, or after June 30,~~
~~5 7 2010, shall not qualify for a tax credit under this part.~~

5 8 8. ~~A qualifying redevelopment project that is not completed~~
~~5 9 within thirty months after issuance of an approval for the~~
~~5 10 project by the board shall cease to be eligible for a tax~~
~~5 11 credit pursuant to this section, however, the board in its~~
~~5 12 discretion may provide for an additional twelve-month period~~
~~5 13 in which to complete a project. A registered project shall~~
5 14 be completed within thirty months of the project's approval
5 15 unless the department, with the approval of the board, provides
5 16 additional time to complete the project. A project shall not
5 17 be provided more than twelve months of additional time. If the
5 18 registered project is not completed within the time required,
5 19 the project is not eligible to claim a tax credit pursuant to
5 20 this section.

5 21 9. The department shall develop a system for registration
5 22 and authorization of projects receiving tax credits ~~authorized~~
5 23 pursuant to this part and shall control distribution of all
5 24 tax credits distributed to investors pursuant to this part.
5 25 In developing the system, the department shall provide for a
5 26 list of applicants for the tax credit and maintain it from
5 27 year to year so that if the maximum aggregate amount of tax
5 28 credits available under the program is reached in one year, an
5 29 applicant can be given priority consideration for the credit
5 30 in an ensuing year.

5 31 Sec. 6. Section 15.293A, subsection 12, Code 2011, is
5 32 amended by striking the subsection.

5 33 Sec. 7. Section 15.293B, subsection 1, Code 2011, is amended
5 34 by striking the subsection and inserting in lieu thereof the
5 35 following:



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Senate File 237 - Introduced continued

6 1 1. The department shall accept and review applications for
6 2 tax credits pursuant to section 15.293A and, with the approval
6 3 of the council, make recommendations regarding the applications
6 4 to the board.

6 5 Sec. 8. Section 15.293B, subsection 2, unnumbered paragraph
6 6 1, Code 2011, is amended to read as follows:

6 7 An investor applying for a tax credit shall provide the
6 8 ~~council~~ department with all of the following:

6 9 Sec. 9. Section 15.294, subsection 4, Code 2011, is amended
6 10 to read as follows:

6 11 4. The council, in conjunction with the department,
6 12 shall consider applications for redevelopment tax credits as
6 13 described in sections 15.293A and 15.293B, and the council
~~6 14 may approve~~ may recommend to the board which applications to
6 15 approve and the amount of such tax credits for qualifying
~~6 16 investments in qualifying redevelopment projects that each~~
6 17 project is eligible to receive.

6 18 Sec. 10. COMMUNITY PARTNERSHIP PROGRAM. There is
6 19 appropriated from the general fund of the state to the
6 20 department of natural resources for the fiscal year beginning
6 21 July 1, 2011, and ending June 30, 2012, the following amount,
6 22 or so much thereof as is necessary, to be used for the purposes
6 23 designated:

6 24 For the purposes of the community partnership program
6 25 described in section 455E.11, subsection 2, paragraph "a",
6 26 subparagraph (1), subparagraph division (a), subparagraph
6 27 subdivision (ii), subparagraph part (B):
6 28 \$ 200,000

6 29 Sec. 11. RETROACTIVE APPLICABILITY. The sections of this
6 30 Act amending sections 15.291 and 15.293A apply retroactively to
6 31 January 1, 2011, for tax years beginning on or after that date.

6 32 EXPLANATION

6 33 This bill relates to community development.

6 34 The bill makes changes to the administration of the
6 35 brownfield redevelopment program and the redevelopment tax



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7 1 credits for brownfields and grayfields by the department of
7 2 economic development.
7 3 The bill provides that the department may provide
7 4 information on alternative forms of assistance to participants
7 5 in the brownfield redevelopment program and provides that
7 6 the department may require certain additional information of
7 7 applicants for financial assistance under the program.
7 8 Current law provides for the verification of eligibility
7 9 for redevelopment tax credits and the issuance of tax credits.
7 10 The bill specifies a detailed process for verification of
7 11 eligibility, including the registration of projects, the
7 12 review of applications, and the issuance of letters containing
7 13 preliminary approval for an amount of tax credits. The bill
7 14 also requires investors to submit an audit of a project to the
7 15 department before a tax credit certificate may be issued.
7 16 Current law requires that all projects be completed within
7 17 the period of time between January 1, 2009, and June 30, 2010.
7 18 The bill eliminates this requirement.
7 19 The bill also eliminates the department's ability to carry
7 20 over any unissued tax credit amounts from one year to the next
7 21 and provides that a qualifying investment only includes costs
7 22 incurred after the project is registered.
7 23 The changes to the redevelopment tax credit program and tax
7 24 credits, including the definition of qualifying investment,
7 25 apply retroactively to January 1, 2011, for tax years beginning
7 26 on or after that date.
7 27 The bill makes a number of conforming changes to provisions
7 28 related to the administration of the program by the department,
7 29 the brownfield redevelopment advisory council, and the Iowa
7 30 economic development board.
7 31 In 2010, the general assembly authorized the department of
7 32 natural resources to expend up to \$100,000 for purposes of
7 33 providing grants to certain community partnership programs
7 34 designed to support community beautification projects. The
7 35 bill appropriates an additional \$200,000 for the fiscal year



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8 1 beginning July 1, 2011, for such purposes.
LSB 1682SV (2) 84
tw/sc



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Senate File 238 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1105)

A BILL FOR

1 An Act delaying the establishment of the state percent of
2 growth for the budget year beginning July 1, 2012, for
3 purposes of the state school foundation program, and
4 including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2324SV (4) 84
md/sc



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Senate File 238 - Introduced continued

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1 1 Section 1. ALLOWABLE GROWTH DELAY. Notwithstanding the
1 2 provision of section 257.8, subsection 1, relating to the
1 3 deadline for enactment of the statute establishing the state
1 4 percent of growth, the state percent of growth for the budget
1 5 year beginning July 1, 2012, shall be established by statute
1 6 which shall be enacted within thirty days of the submission of
1 7 the governor's budget under section 8.21 for the fiscal year
1 8 beginning July 1, 2012.

1 9 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 10 immediate importance, takes effect upon enactment.

1 11 EXPLANATION

1 12 This bill delays establishing the state percent of growth,
1 13 also known as allowable growth, for the budget year beginning
1 14 July 1, 2012, from the 2011 Legislative Session to the 2012
1 15 Legislative Session. The bill is effective upon enactment.

LSB 2324SV (4) 84

md/sc



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Senate File 239 - Introduced

SENATE FILE
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB
1104)

A BILL FOR

1 An Act delaying the establishment of the categorical state
2 percent of growth for the budget year beginning July 1,
3 2012, for purposes of the state school foundation program,
4 and including effective date provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2323SV (1) 84
md/sc



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Senate File 239 - Introduced continued

PAG LIN

1 1 Section 1. CATEGORICAL ALLOWABLE GROWTH DELAY.
1 2 Notwithstanding the provision of section 257.8, subsection
1 3 2, relating to the deadline for enactment of the statute
1 4 establishing the categorical state percent of growth, the
1 5 categorical state percent of growth for the budget year
1 6 beginning July 1, 2012, shall be established by statute which
1 7 shall be enacted within thirty days of the submission of the
1 8 governor's budget under section 8.21 for the fiscal year
1 9 beginning July 1, 2012.
1 10 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
1 11 immediate importance, takes effect upon enactment.
1 12 EXPLANATION
1 13 This bill delays establishing the categorical state percent
1 14 of growth, also known as categorical allowable growth, for the
1 15 budget year beginning July 1, 2012, from the 2011 Legislative
1 16 Session to the 2012 Legislative Session. The bill is effective
1 17 upon enactment.
LSB 2323SV (1) 84
md/sc



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Senate File 240 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1086)

A BILL FOR

1 An Act relating to matters under the purview of the alcoholic
2 beverages division of the department of commerce, and making
3 penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1243SV (3) 84
rn/nh



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Senate File 240 - Introduced continued

PAG LIN

1 1 Section 1. Section 22.7, subsection 24, Code 2011, is
1 2 amended by striking the subsection.
1 3 Sec. 2. Section 123.3, Code 2011, is amended by adding the
1 4 following new subsection:
1 5 NEW SUBSECTION. 014A. "Grape brandy" means brandy produced
1 6 by the distillation of fermented grapes or grape juice.
1 7 Sec. 3. Section 123.41, Code 2011, is amended to read as
1 8 follows:
1 9 123.41 Manufacturer's license.
1 10 1. Upon application in the prescribed form and accompanied
1 11 by a fee of three hundred fifty dollars, the administrator may
1 12 in accordance with this chapter grant and issue a license,
1 13 valid for a one=year period after date of issuance, to a
1 14 manufacturer which shall allow the manufacture, storage, and
1 15 wholesale disposition and sale of alcoholic liquors to the
1 16 division and to customers outside of the state.
1 17 2. As a condition precedent to the approval and granting of
1 18 a manufacturer's license, an applicant shall file a statement
1 19 under oath with the division that the applicant is a bona fide
1 20 manufacturer of alcoholic liquors, and that the applicant
1 21 will faithfully observe and comply with all laws, rules, and
1 22 regulations governing the manufacture and sale of alcoholic
1 23 liquor.
1 24 ~~2.~~ 3. A person who holds an experimental distilled spirits
1 25 plant permit or its equivalent issued by the federal bureau
1 26 of alcohol, tobacco and firearms alcohol and tobacco tax and
1 27 trade bureau of the United States department of the treasury
1 28 may produce alcohol for use as fuel without obtaining a
1 29 manufacturer's license from the division.
1 30 4. A violation of the requirements of this section shall
1 31 subject the licensee to the general penalties provided in this
1 32 chapter and shall constitute grounds for imposition of a civil
1 33 penalty or suspension or revocation of the license after notice
1 34 and opportunity for a hearing pursuant to section 123.39 and
1 35 chapter 17A.



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2 1 Sec. 4. Section 123.43A, subsection 8, Code 2011, is amended
2 2 to read as follows:

2 3 8. Micro=distilled spirits purchased at a micro=distillery
2 4 shall not be consumed ~~within three hundred feet of a~~
~~2 5 micro-distillery or~~ on any property owned, operated, or
2 6 controlled by a micro=distillery.

2 7 Sec. 5. NEW SECTION. 123.46A Delivery of alcoholic
2 8 beverages by retailers.

2 9 1. Licensees and permittees authorized to sell alcoholic
2 10 liquor, wine, or beer in original unopened containers for
2 11 consumption off the licensed premises may deliver alcoholic
2 12 liquor, wine, or beer to a home or other designated location in
2 13 this state. Deliveries shall be limited to alcoholic beverages
2 14 authorized by the licensee's or permittee's license or permit.

2 15 2. All deliveries of alcoholic liquor, wine, or beer shall
2 16 be subject to the following requirements and restrictions:

2 17 a. Payment for the alcoholic liquor, wine, or beer shall be
2 18 received on the licensed premises at the time of order.

2 19 b. Alcoholic liquor, wine, or beer delivered to a person
2 20 shall be for personal use and not for resale.

2 21 c. Deliveries shall only be made to persons in this state
2 22 who are twenty-one years of age or older.

2 23 d. Deliveries shall not be made to a person who is
2 24 intoxicated or is simulating intoxication.

2 25 e. Deliveries shall occur during the hours in which
2 26 alcoholic liquor, wine, or beer may be lawfully sold.

2 27 f. Delivery of alcoholic liquor, wine, or beer shall be made
2 28 by the licensee or permittee, or the licensee's or permittee's
2 29 employee, and not by a third party.

2 30 g. Delivery personnel shall be eighteen years of age or
2 31 older.

2 32 h. Deliveries shall be made in a vehicle owned, leased, or
2 33 under the control of the licensee or permittee.

2 34 i. Valid proof of the recipient's identity and age shall
2 35 be obtained at the time of delivery, and the signature of a



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3 1 person twenty=one years of age or older shall be obtained as a
3 2 condition of delivery.

3 3 j. Licensees and permittees shall maintain records
3 4 of deliveries which include the quantity delivered, the
3 5 recipient's name and address, and the signature of the
3 6 recipient of the alcoholic liquor, wine, or beer. The records
3 7 shall be maintained on the licensed premises for a period of
3 8 three years.

3 9 3. A violation of this section or any other provision of
3 10 this chapter shall subject the licensee or permittee to the
3 11 penalty provisions of section 123.39.

3 12 4. Nothing in this section shall impact the direct shipment
3 13 of wine as regulated by section 123.187.

3 14 Sec. 6. Section 123.56, subsections 1, 2, and 3, Code 2011,
3 15 are amended to read as follows:

3 16 1. Subject to rules of the division, manufacturers of
3 17 native wines from grapes, cherries, other fruits or other fruit
3 18 juices, vegetables, vegetable juices, dandelions, clover,
3 19 honey, or any combination of these ingredients, holding a
3 20 class "A" wine permit as required by this chapter, may sell,
3 21 keep, or offer for sale and deliver the wine. ~~Sales may be~~
~~3 22 made at retail for off-premises consumption when sold on the~~
~~3 23 premises of the manufacturer, or in a retail establishment~~
~~3 24 operated by the manufacturer. Sales may also be made to class~~
~~3 25 "A" or retail wine permittees or liquor control licensees as~~
~~3 26 authorized by the class "A" wine permit. Notwithstanding any~~
3 27 other provision of this chapter, manufacturers of native wine
3 28 may purchase and possess grape brandy from the division for the
3 29 sole purpose of manufacturing wine.

3 30 2. Native wine may be sold at retail for off=premises
3 31 consumption when sold on the premises of the manufacturer,
3 32 or in a retail establishment operated by the manufacturer.
3 33 Sales may also be made to class "A" or retail wine permittees
3 34 or liquor control licensees as authorized by the class "A"
3 35 wine permit. A manufacturer of native wines shall not sell



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4 1 the wines other than as permitted in this chapter and shall
4 2 not allow wine sold to be consumed upon the premises of the
4 3 manufacturer. However, prior to sale native wines may be
4 4 sampled on the premises where made, when no charge is made
4 5 for the sampling. A person may manufacture native wine for
4 6 consumption on the manufacturer's premises, when the wine or
4 7 any part of it is not manufactured for sale.

4 8 3. A manufacturer of native wines may ship wine in closed
4 9 containers to individual purchasers inside and outside this
4 10 state by obtaining a wine direct shipper license pursuant to
4 11 section 123.187. The manufacturer shall label the package
~~4 12 containing the wine with the words "deliver to adults only".~~

4 13 Sec. 7. Section 123.57, Code 2011, is amended to read as
4 14 follows:

4 15 123.57 Examination of accounts.

4 16 The financial condition and transactions of all offices,
4 17 departments, warehouses, and depots of the division shall be
4 18 examined at least once each year by the state auditor and at
4 19 shorter periods if requested by the administrator, governor,
4 20 commission, or executive council the general assembly's
4 21 standing committees on government oversight.

4 22 Sec. 8. REPEAL. Section 123.43, Code 2011, is repealed.

4 23 EXPLANATION

4 24 This bill makes changes regarding matters under the purview
4 25 of the alcoholic beverages division of the department of
4 26 commerce.

4 27 The bill deletes an exception to the open records law in
4 28 Code chapter 22 which currently provides that records of
4 29 purchases of alcoholic liquor from the division which would
4 30 reveal purchases made by an individual class "E" liquor control
4 31 licensee shall be kept confidential, unless required to be
4 32 revealed for law enforcement purposes or for the collection of
4 33 payments due the division pursuant to Code section 123.24.

4 34 The bill provides that prior to the approval and granting
4 35 of a manufacturer's license, which allows the manufacture,



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5 1 storage, and wholesale disposition and sale of alcoholic
5 2 liquors to the division and to customers outside of the state,
5 3 an applicant must file a statement under oath with the division
5 4 that the applicant is a bona fide manufacturer of alcoholic
5 5 liquors, and that the applicant will faithfully observe and
5 6 comply with all laws, rules, and regulations governing the
5 7 manufacture and sale of alcoholic liquor. The bill subjects
5 8 a licensee violating the requirements for issuance of a
5 9 manufacturer's license, in addition to any other applicable
5 10 penalty contained in Code chapter 123, to the civil penalty and
5 11 suspension or revocation provisions contained in Code section
5 12 123.39. The civil penalty is in an amount not to exceed \$1,000
5 13 per violation. The bill repeals Code section 123.43, which
5 14 requires the posting of a \$5,000 bond by applicants for a
5 15 manufacturer's license.

5 16 The bill deletes a current provision prohibiting
5 17 micro=distilled spirits purchased at a micro=distillery from
5 18 being consumed within 300 feet of a micro=distillery.

5 19 The bill authorizes the home delivery of alcoholic beverages
5 20 by retailers. The bill provides that a licensee or permittee
5 21 authorized to sell liquor, wine, or beer in original unopened
5 22 containers for consumption off the licensed premises may
5 23 deliver it to a home or other designated location in Iowa.

5 24 Deliveries shall be limited to alcoholic beverages authorized
5 25 by the licensee's or permittee's license or permit.

5 26 The bill states that deliveries shall be subject to several
5 27 requirements and restrictions. Specifically, payment for
5 28 the liquor, wine, or beer shall be received on the licensed
5 29 premises at the time of order; liquor, wine, or beer shall be
5 30 for personal use and not for resale; deliveries shall only
5 31 be made to persons in this state who are 21 or older; and
5 32 deliveries shall not be made to a person who is intoxicated or
5 33 is simulating intoxication. Additionally, deliveries shall
5 34 occur during the hours in which liquor, wine, or beer may be
5 35 lawfully sold and shall be made by the licensee or permittee,



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6 1 or the licensee's or permittee's employee. Delivery personnel
6 2 are required to be 18 or older. Further, deliveries shall
6 3 be made in a vehicle owned, leased, or under the control of
6 4 the licensee or permittee, valid proof of the recipient's
6 5 identity and age shall be obtained at the time of delivery and
6 6 the signature of an adult shall be obtained as a condition
6 7 of delivery, and licensees and permittees are required to
6 8 maintain records of deliveries which include the quantity
6 9 delivered, recipient's name and address, and the signature of
6 10 the recipient of the liquor, wine, or beer.
6 11 Additionally, the bill makes specified changes relating
6 12 to the manufacture of native wine. The bill states that
6 13 manufacturers of native wine may purchase and possess grape
6 14 brandy, as defined in the bill, for the sole purpose of
6 15 manufacturing wine, provided that the grape brandy is purchased
6 16 from the division. The bill clarifies that a manufacturer of
6 17 native wine shall obtain a wine shipper's license pursuant to
6 18 Code section 123.187 and makes the manufacturer subject to the
6 19 provisions of the Code section.

LSB 1243SV (3) 84

rn/nh



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Senate File 241 - Introduced

SENATE FILE
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 103)

A BILL FOR

1 An Act relating to the amount of certain civil penalties that
2 may be imposed by the board of pharmacy.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1546SV (1) 84
jr/sc



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PAG LIN

1 1 Section 1. Section 155A.18, Code 2011, is amended to read
1 2 as follows:
1 3 155A.18 Penalties.
1 4 The board shall impose penalties as allowed under section
1 5 272C.3. In addition, civil penalties not to exceed ~~twenty-five~~
1 6 one hundred thousand dollars, may be imposed.

1 7 EXPLANATION
1 8 This bill increases the amount of the additional civil
1 9 penalty that may be imposed by the board of pharmacy from
1 10 \$25,000 to \$100,000.

LSB 1546SV (1) 84
jr/sc



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Senate File 242 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1087)

A BILL FOR

1 An Act relating to matters under the purview of the alcoholic
2 beverages division of the department of commerce, and
3 including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1244SV (2) 84
rn/nh



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PAG LIN

1 1 Section 1. Section 123.3, Code 2011, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 014A. "Grocery store" means any retail
1 4 establishment, the business of which consists of the sale of
1 5 food, food products, or beverages for consumption off the
1 6 premises.
1 7 NEW SUBSECTION. 022A. "Micro=distilled spirits" means
1 8 distilled spirits fermented, distilled, or, for a period of
1 9 two years, barrel matured on the licensed premises of the
1 10 micro=distillery where fermented, distilled, or matured.
1 11 "Micro=distilled spirits" also includes blended or mixed spirits
1 12 comprised solely of spirits fermented, distilled, or, for a
1 13 period of two years, barrel matured at a micro=distillery.
1 14 NEW SUBSECTION. 022B. "Micro=distillery" means a business
1 15 with an operational still which, combining all production
1 16 facilities of the business, produces and manufactures less than
1 17 fifty thousand proof gallons of distilled spirits on an annual
1 18 basis.
1 19 NEW SUBSECTION. 26A. "Pharmacy" means a drug store in
1 20 which drugs and medicines are exposed for sale and sold at
1 21 retail, or in which prescriptions of licensed physicians and
1 22 surgeons, dentists, or veterinarians are compounded and sold by
1 23 a registered pharmacist.
1 24 NEW SUBSECTION. 32A. "School" means a public or private
1 25 school or that portion of a public or private school which
1 26 provides facilities for teaching any grade from kindergarten
1 27 through grade twelve.
1 28 Sec. 2. Section 123.3, subsection 14A, Code 2011, is amended
1 29 to read as follows:
1 30 14A. "High alcoholic content beer" means beer which contains
1 31 more than five percent of alcohol by weight, but not more
1 32 than twelve percent of alcohol by weight, that is made by the
1 33 fermentation of an infusion in potable water of barley, malt,
1 34 and hops, with or without unmalted grains or decorticated and
1 35 degerminated grains. Not more than one and five=tenths percent



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2 1 of the volume of a "high alcoholic content beer" may consist
2 2 of alcohol derived from added flavors and other nonbeverage
2 3 ingredients containing alcohol. The added flavors and other
2 4 nonbeverage ingredients may not include added caffeine or other
2 5 added stimulants including but not limited to guarana, ginseng,
2 6 and taurine.

2 7 Sec. 3. Section 123.3, subsection 22A, Code 2011, is amended
2 8 to read as follows:

2 9 22A. "Native wine" means wine manufactured ~~in this state~~
~~2 10 pursuant to section 123.56 by a manufacturer of native wine.~~

2 11 Sec. 4. Section 123.9, Code 2011, is amended to read as
2 12 follows:

2 13 123.9 Commission meetings.

2 14 The commission shall meet on or before July 1 of each year
2 15 for the purpose of selecting one of its members as chairperson,
~~2 16 which member shall serve in such capacity~~ for the succeeding
2 17 year. The commission shall otherwise meet quarterly or at
2 18 the call of the chairperson or administrator or, when ~~any~~
2 19 three members file ~~with the chairperson~~ a written request
2 20 for a meeting. Written notice of the time and place of each
2 21 meeting shall be given to each member of the commission. ~~All~~
~~2 22 commission meetings shall be held within the state.~~ A majority
2 23 of the commission members shall constitute a quorum.

2 24 Sec. 5. Section 123.31, unnumbered paragraph 1, Code 2011,
2 25 is amended to read as follows:

2 26 ~~Except as otherwise provided in section 123.35, verified~~
~~2 27 Verified~~ applications for the original issuance or the renewal
2 28 of liquor control licenses shall be filed at the time and in
2 29 the number of copies as the administrator shall prescribe, on
2 30 forms prescribed by the administrator, and shall set forth
2 31 under oath the following information:

2 32 Sec. 6. Section 123.43A, subsection 1, Code 2011, is amended
2 33 by striking the subsection.

2 34 Sec. 7. Section 123.46, subsection 1, paragraph d, Code
2 35 2011, is amended by striking the paragraph.



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3 1 Sec. 8. Section 123.129, subsection 1, Code 2011, is amended
3 2 by striking the subsection.

3 3 Sec. 9. Section 123.134, subsection 5, Code 2011, is amended
3 4 by striking the subsection.

3 5 Sec. 10. Section 123.141, Code 2011, is amended to read as
3 6 follows:

3 7 123.141 Keeping liquor where beer is sold.

3 8 No alcoholic liquor for beverage purposes shall be used,
3 9 or kept for any purpose in the place of business of class "B"
3 10 permittees, or on the premises of such class "B" permittees, at
3 11 any time. A violation of any provision of this section shall
3 12 be grounds for suspension or revocation of the permit pursuant
3 13 to section 123.50, subsection 3. This section shall not apply
3 14 in any manner or in any way, ~~to any railway car of any dining~~

~~3 15 car company, sleeping car company, railroad company or railway~~
~~3 16 company, having a special class "B" permit,~~ to the premises
3 17 of any hotel or motel for which a class "B" permit has been
3 18 issued, other than that part of such premises regularly used by
3 19 the hotel or motel for the principal purpose of selling beer
3 20 or food to the general public; or to drug stores regularly and
3 21 continuously employing a registered pharmacist, from having
3 22 alcohol in stock for medicinal and compounding purposes.

3 23 Sec. 11. Section 123.142, unnumbered paragraph 1, Code
3 24 2011, is amended to read as follows:

3 25 It is unlawful for the holder of a class "B" or class "C"
3 26 permit issued under this chapter to sell beer, except beer
3 27 brewed on the premises covered by a special class "A" permit or
3 28 beer purchased from a person holding a class "A" permit issued
3 29 in accordance with this chapter, and on which the tax provided
3 30 in section 123.136 has been paid. However, this section does
3 31 not apply to ~~the holders of special class "B" permits issued~~
~~3 32 under section 123.133 for sales in cars engaged in interstate~~
~~3 33 commerce nor to class "D" liquor control licensees as provided~~
3 34 in this chapter.

3 35 Sec. 12. REPEAL. Sections 123.35, 123.133, 123.153,



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4 1 123.154, 123.155, 123.156, 123.157, 123.158, 123.159, 123.160,
4 2 123.161, and 123.162, Code 2011, are repealed.

4 3 Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this
4 4 Act amending section 123.3, subsection 14A, regarding the
4 5 definition of high alcoholic content beer, being deemed of
4 6 immediate importance, takes effect upon enactment.

4 7 EXPLANATION

4 8 This bill makes several changes regarding matters under the
4 9 purview of the alcoholic beverages division of the department
4 10 of commerce.

4 11 The bill deletes definitions of grocery store,
4 12 micro=distillery, micro=distilled spirits, pharmacy, and school
4 13 contained in respective provisions within Code chapter 123, and
4 14 inserts the definitions into the general definitions section
4 15 for the chapter in Code section 123.3. The bill modifies the
4 16 definition of native wine contained within Code section 123.3
4 17 to remove reference to wine manufactured "in this state",
4 18 instead providing that "native wine" means wine manufactured
4 19 pursuant to Code section 123.56 by a manufacturer of native
4 20 wine.

4 21 The bill modifies the definition of high alcoholic content
4 22 beer to specify that not more than 1.5 percent of the volume of
4 23 such beer may consist of alcohol derived from added flavors and
4 24 other nonbeverage ingredients containing alcohol, and that the
4 25 added flavors and ingredients may not include added caffeine
4 26 or other specified added stimulants. The bill makes this
4 27 modification effective upon enactment.

4 28 The bill amends provisions governing meetings of the
4 29 alcoholic beverages commission, providing that the commission
4 30 shall meet to elect a chairperson on or before July 1 annually,
4 31 rather than on July 1 under current law. The bill provides
4 32 that the commission shall otherwise meet quarterly, or at any
4 33 time called by the administrator of the division in addition
4 34 to the chairperson. The bill deletes a current provision
4 35 prohibiting commission meetings from being held outside of the



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5 1 state.

5 2 The bill repeals Code section 123.35, which had prescribed
5 3 simplified application forms for the renewal of liquor control
5 4 licenses, wine permits, and beer permits when qualifications
5 5 had not changed since the license or permit was originally
5 6 issued. The bill also repeals Code section 123.133 providing
5 7 for the issuance of a special class "B" permit for the sale
5 8 of beer on trains, and deletes a provision which currently
5 9 states that Code section 123.141, regarding keeping liquor at
5 10 a location where beer is sold, shall not be applicable to any
5 11 railway car of any dining car company, sleeping car company,
5 12 railroad company, or railway company in possession of a special
5 13 class "B" beer permit. The bill makes conforming changes
5 14 consistent with the repeal of these Code sections.

5 15 The bill additionally repeals Code sections 123.153 through
5 16 123.162, comprising division IV of Code chapter 123, entitled
5 17 "Warehouse Project". The provisions allowed the alcoholic
5 18 beverages commission to issue revenue bonds for a one-time
5 19 warehouse project.

LSB 1244SV (2) 84

rn/nh



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Senate File 243 - Introduced

SENATE FILE
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB
1048)

A BILL FOR

1 An Act expanding the definition of alternate energy production
2 facility for purposes of compliance with electric utility
3 rate regulation requirements.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1618SV (3) 84
rn/nh



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Senate File 243 - Introduced continued

PAG LIN

1 1 Section 1. Section 476.42, subsection 1, paragraph a, Code
1 2 2011, is amended to read as follows:
1 3 a. A solar, wind turbine, waste management, resource
1 4 recovery, refuse=derived fuel, agricultural crops or residues,
1 5 or woodburning facility. For purposes of this definition only,
1 6 "waste management" includes a facility using plasma gasification
1 7 to produce synthetic gas, either as a stand-alone fuel or for
1 8 blending with natural gas, the output of which is used to
1 9 generate electricity or steam. For purposes of this definition
1 10 only, "plasma gasification" means the thermal dissociation
1 11 of carbonaceous material into fragments of compounds in an
1 12 oxygen=starved environment.

1 13 EXPLANATION

1 14 This bill expands the definition of an "alternate energy
1 15 production facility" for purposes of compliance with electric
1 16 utility rate regulation requirements.

1 17 Provisions contained in Code sections 476.43 and 476.44
1 18 require electric utilities to either own alternate energy
1 19 production facilities or small hydro facilities located
1 20 in Iowa or enter into long-term contracts to purchase or
1 21 wheel electricity from such facilities, or provide for the
1 22 availability of supplemental or backup power to such facilities
1 23 on a nondiscriminatory basis and at just and reasonable rates.

1 24 Currently, the applicable definition of "alternate energy
1 25 production facility" in Code section 476.42 references
1 26 solar, wind turbine, waste management, resource recovery,
1 27 refuse=derived fuel, agricultural crops or residues, or
1 28 woodburning facilities. The bill specifies that for purposes
1 29 of this definition, "waste management" includes a facility
1 30 using plasma gasification to produce synthetic gas, either
1 31 as a stand-alone fuel or for blending with natural gas, the
1 32 output of which is used to generate electricity or steam. The
1 33 bill further specifies that "plasma gasification" means the
1 34 thermal dissociation of carbonaceous material into fragments of
1 35 compounds in an oxygen=starved environment.



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Senate File 244 - Introduced

SENATE FILE
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB
1042)

A BILL FOR

1 An Act relating to the release and satisfaction of judgments.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1049SV (3) 84
rh/nh



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Senate File 244 - Introduced continued

PAG LIN

1 1 Section 1. Section 624.23, subsection 2, paragraph c, Code
1 2 2011, is amended to read as follows:

1 3 c. A party serving a written demand under this subsection
1 4 may obtain an immediate court order releasing the claimed lien
1 5 by posting with the clerk of court a cash bond in an amount of
1 6 at least one hundred twenty-five percent of the outstanding
1 7 balance owed on the judgment. The court may order that in
1 8 lieu of posting the bond with the clerk of court, the bond
1 9 may be deposited in either the trust account of an attorney
1 10 licensed to practice law in this state or in a federally
1 11 insured depository institution, along with the restriction that
1 12 the bond not be disbursed except as the court may direct. A
1 13 copy of the court order shall be served along with a written
1 14 demand under this subsection. Thereafter, any execution on
1 15 the judgment shall be against the bond, subject to all claims
1 16 and defenses which the moving party had against the execution
1 17 against the real estate, including but not limited to a lack
1 18 of equity in the property to support the lien in its proper
1 19 priority. The bond shall be released ~~by the clerk of court~~
1 20 upon demand of its principal or surety if no execution is
1 21 ordered on the judgment within thirty days of completion of
1 22 service of the written demand under this subsection.

1 23 Sec. 2. Section 624.37, Code 2011, is amended to read as
1 24 follows:

1 25 624.37 Satisfaction of judgment === penalty.

1 26 1. When the amount due upon judgment is paid off, or
1 27 satisfied in full, the party entitled to the proceeds thereof,
1 28 or those acting for that party, must acknowledge satisfaction
1 29 of the judgment by the execution of an instrument referring to
1 30 it, duly acknowledged or notarized in the manner prescribed
1 31 in chapter 9E, and filed in the office of the clerk in every
1 32 county wherein the judgment is a lien. A failure to ~~do so~~
1 33 acknowledge satisfaction of the judgment in such manner within
1 34 thirty days after having been requested to do so in a writing
1 35 containing a draft release of the judgment shall subject the



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2 1 delinquent party to a penalty of ~~one~~ four hundred dollars ~~plus~~
2 2 ~~reasonable attorney fees incurred by the party aggrieved, to be~~
2 3 ~~recovered in an action for the satisfaction or acknowledgment~~
2 4 ~~by the party aggrieved by a motion filed in the court that~~
2 5 ~~rendered the original judgment requesting that the payor~~
2 6 ~~of the judgment, if different from the judgment debtor, be~~
2 7 ~~subrogated to the rights of the judgment creditor, that the~~
2 8 ~~court determine the amount currently owed on the judgment, or~~
2 9 ~~any other relief as may be necessary to accomplish payment and~~
2 10 ~~satisfaction of the judgment. If the motion relates to a lien~~
2 11 ~~of judgment as to specific property, the motion may be filed by~~
2 12 ~~a person with an interest in the property.~~
2 13 2. Upon the filing of an affidavit to the motion that
2 14 a judgment creditor cannot be located or is unresponsive
2 15 to requests to accept payment within the thirty-day period
2 16 described in subsection 1, and upon court order, payment upon
2 17 a judgment may be made to the treasurer of state as provided
2 18 in chapter 556 and the treasurer's receipt for the funds is
2 19 conclusive proof of payment on the judgment.

2 20 Sec. 3. Section 631.1, Code 2011, is amended by adding the
2 21 following new subsection:

2 22 NEW SUBSECTION. 8. The district court sitting in small
2 23 claims has concurrent jurisdiction of motions and orders
2 24 relating to releases of judgments in whole or in part including
2 25 motions and orders under section 624.23, subsection 2,
2 26 paragraph "c" and section 624.37, where the amount owing on
2 27 the judgment, including interests and costs, is five thousand
2 28 dollars or less.

2 29 EXPLANATION

2 30 This bill relates to the release and satisfaction of
2 31 judgments.

2 32 Current law provides that a party serving a written demand
2 33 on a judgment lien against a homestead may obtain an immediate
2 34 court order releasing the claimed lien by posting a cash bond
2 35 with the clerk of court. The bill provides that the court



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3 1 may order that, in lieu of posting the bond with the clerk of
3 2 court, the bond may be deposited in either the trust account
3 3 of an attorney licensed to practice law in this state or in
3 4 a federally insured depository institution, along with the
3 5 restriction that the bond not be disbursed except as the court
3 6 may direct.

3 7 Current law provides that when the amount due on a judgment
3 8 is paid off or satisfied in full, the judgment creditor must
3 9 acknowledge satisfaction of the judgment by executing and
3 10 filing an instrument with the clerk of court in every county
3 11 where the judgment is a lien. Failure to do so within 30
3 12 days subjects the judgment creditor to a penalty of \$100
3 13 plus reasonable attorney fees. The bill amends this law
3 14 to provide that the judgment creditor may instead have the
3 15 instrument acknowledging satisfaction of the debt notarized in
3 16 the manner prescribed in Code chapter 9E. The bill increases
3 17 the penalty for failing to acknowledge the satisfaction of
3 18 the debt in such a manner to \$400 but eliminates the recovery
3 19 of attorney fees. The bill provides that the penalty may be
3 20 recovered by a motion filed in the court that rendered the
3 21 original judgment requesting that the payor of the judgment,
3 22 if different from the judgment debtor, be subrogated to the
3 23 rights of the judgment creditor, that the court determine the
3 24 amount currently owed on the judgment, or any other relief as
3 25 may be necessary to accomplish payment and satisfaction of the
3 26 judgment. If the motion relates to a lien of judgment as to
3 27 specific property, the motion may be filed by a person with an
3 28 interest in the property.

3 29 The bill also provides that upon the filing of an affidavit
3 30 that a judgment creditor cannot be located or is unresponsive
3 31 to requests to accept payment, and upon court order, payment
3 32 upon a judgment may be made to the treasurer of state as
3 33 provided in Code chapter 556 and the treasurer's receipt for
3 34 the funds is conclusive proof of payment on the judgment.

3 35 The bill provides that the district court sitting in small



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4 1 claims has concurrent jurisdiction of motions and orders
4 2 relating to releases of judgments where the amount owing on the
4 3 judgment, including interests and costs, is \$5,000 or less.
LSB 1049SV (3) 84
rh/nh



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Senate Study Bill 1120

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act relating to the conveyance or encumbrance of a homestead
2 by a spouse.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1667SC (6) 84
rh/sc



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Senate Study Bill 1120 continued

PAG LIN

1 1 Section 1. Section 561.13, Code 2011, is amended to read as
1 2 follows:

1 3 561.13 Conveyance or encumbrance.

1 4 1. A conveyance or encumbrance of, or contract to convey
1 5 or encumber the homestead, if the owner is married, ~~is not~~
~~1 6 valid, unless and until the spouse of the owner executes may~~
1 7 be invalidated by a spouse who has not executed the same or a
1 8 like instrument, or a power of attorney for the execution of
1 9 the same or a like instrument. However, when the homestead is
1 10 conveyed or encumbered along with or in addition to other real
1 11 estate, it is not necessary to particularly describe or set
1 12 aside the tract of land constituting the homestead, whether the
1 13 homestead is exclusively the subject of the contract or not,
1 14 but the contract may be enforced as to real estate other than
1 15 the homestead at the option of the purchaser or encumbrancer.

1 16 2. If a spouse who holds only homestead rights and surviving
1 17 spouse's statutory share in the homestead specifically
1 18 relinquishes homestead rights in an instrument, including
1 19 a power of attorney constituting the other spouse as the
1 20 husband's or wife's attorney in fact, as provided in section
1 21 597.5, it is not necessary for the spouse to join in the
1 22 granting clause of the same or a like instrument.

1 23 3. A conveyance or encumbrance is not invalid under
1 24 subsection 1 if any of the following occur:

1 25 a. The spouse's interest is terminated by divorce subsequent
1 26 to delivery of the document, and the decree awarded the
1 27 property to the signing spouse.

1 28 b. The nonsigning spouse abandons the homestead for a
1 29 minimum of six consecutive months with the intent to remain
1 30 away permanently.

1 31 c. Section 614.15 applies.

1 32 EXPLANATION

1 33 This bill provides that the conveyance or encumbrance of a
1 34 homestead by a married person who is the owner of the homestead
1 35 is not automatically invalid if the person's spouse has not



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2 1 joined in the conveyance or encumbrance. Such a spouse must
2 2 take action to invalidate the conveyance or encumbrance.
2 3 The bill further provides that a conveyance or encumbrance
2 4 is not invalid solely because a person's spouse did not join
2 5 in the conveyance or encumbrance if the spouse's interest
2 6 is terminated by divorce subsequent to delivery of the
2 7 document and the decree awarded the property to the signing
2 8 spouse, if the nonsigning spouse abandons the homestead for a
2 9 minimum of six consecutive months with the intent to remain
2 10 away permanently, or as provided in section 614.15 (action
2 11 for recovery of property where spouse fails to join in the
2 12 conveyance).

LSB 1667SC (6) 84

rh/sc



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Senate Study Bill 1121

SENATE FILE
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON FRAISE)

A BILL FOR

1 An Act relating to the boards of directors of public
2 corporations, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TL5B 1496SC (1) 84
da/nh



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1 1 Section 1. Section 490.140, Code 2011, is amended by adding
1 2 the following new subsection:

1 3 NEW SUBSECTION. 21A. "Public corporation" means a
1 4 corporation that has a class of voting stock that is listed on
1 5 a national securities exchange or held of record by more than
1 6 two thousand shareholders.

1 7 Sec. 2. Section 490.702, subsection 5, unnumbered paragraph
1 8 1, Code 2011, is amended to read as follows:

1 9 Notwithstanding subsections 1 through 4, a public
1 10 corporation ~~which has a class of voting stock that is listed on~~
~~1 11 a national securities exchange, authorized for quotation on the~~
~~1 12 national association of securities dealers automated quotations~~
~~1 13 - national market system, or held of record by more than two~~
~~1 14 thousand shareholders,~~ is required to hold a special meeting
1 15 only upon the occurrence of either of the following:

1 16 Sec. 3. Section 490.803, subsections 2 and 3, Code 2011, are
1 17 amended to read as follows:

1 18 2. a. The number of directors may be increased or decreased
1 19 from time to time by amendment to, or in the manner provided
1 20 in, the articles of incorporation or the bylaws.

1 21 b. Notwithstanding paragraph "a", the number of directors of
1 22 a public corporation subject to section 490.806A, subsection 1,
1 23 shall be increased or decreased only by the affirmative vote of
1 24 a majority of its board of directors.

1 25 3. Directors are elected at the first annual shareholders'
1 26 meeting and at each annual meeting thereafter unless their
1 27 terms are staggered under section 490.806 or 490.806A.

1 28 Sec. 4. Section 490.805, subsections 2 and 4, Code 2011, are
1 29 amended to read as follows:

1 30 2. The terms of all other directors expire at the next
1 31 annual shareholders' meeting following their election unless
1 32 their terms are staggered under section 490.806 or 490.806A.

1 33 4. The term of a director elected to fill a vacancy expires
1 34 at the next shareholders' meeting at which directors are
1 35 elected, except as provided in section 490.806A.



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2 1 Sec. 5. Section 490.806, Code 2011, is amended to read as
2 2 follows:
2 3 490.806 Staggered terms for directors.
2 4 ~~The~~ Except as otherwise provided in section 490.806A,
2 5 a corporation's articles of incorporation may provide for
2 6 staggering the terms of its directors by dividing the total
2 7 number of directors into two or three groups, with each group
2 8 containing one-half or one-third of the total, as near as may
2 9 be. In that event, the terms of directors in the first group
2 10 expire at the first annual shareholders' meeting after their
2 11 election, the terms of the second group expire at the second
2 12 annual shareholders' meeting after their election, and the
2 13 terms of the third group, if any, expire at the third annual
2 14 shareholders' meeting after their election. At each annual
2 15 shareholders' meeting held thereafter, directors shall be
2 16 chosen for a term of two years or three years, as the case may
2 17 be, to succeed those whose terms expire.
2 18 Sec. 6. NEW SECTION. 490.806A Public corporations ====
2 19 staggered terms.
2 20 1. Except as provided in subsection 2, and notwithstanding
2 21 anything to the contrary in the articles of incorporation or
2 22 bylaws of a public corporation, the terms of directors of a
2 23 public corporation shall be staggered by dividing the number
2 24 of directors into three groups, as nearly equal in number as
2 25 possible. The first group shall be referred to as "class I
2 26 directors", the second group shall be referred to as "class II
2 27 directors", and the third group shall be referred to as "class
2 28 III directors".
2 29 a. On or before the date on which a public corporation first
2 30 convenes an annual shareholders' meeting following the time
2 31 the public corporation becomes subject to this subsection, the
2 32 board of directors of the public corporation shall by majority
2 33 vote designate from among its members directors to serve as
2 34 class I directors, class II directors, and class III directors.
2 35 b. The terms of directors serving in office on the date that



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3 1 the public corporation becomes subject to this subsection shall
3 2 be as follows:

3 3 (1) Class I directors shall continue in office until the
3 4 first annual shareholders' meeting following the date that the
3 5 public corporation becomes subject to this subsection, and
3 6 until their successors are elected. The shareholders' meeting
3 7 shall be conducted not less than eleven months following the
3 8 last annual shareholders' meeting conducted before the public
3 9 corporation became subject to this subsection.

3 10 (2) Class II directors shall continue in office until one
3 11 year following the first annual shareholders' meeting described
3 12 in subparagraph (1), and until their successors are elected.

3 13 (3) Class III directors shall continue in office until
3 14 two years following the first annual shareholders' meeting
3 15 described in subparagraph (1), and until their successors are
3 16 elected.

3 17 c. At each annual shareholders' meeting of a public
3 18 corporation subject to this subsection, the successors to the
3 19 class of directors whose term expires at that meeting shall be
3 20 elected to hold office for a term of three years following such
3 21 meeting and until their successors are elected.

3 22 d. The board of directors of a public corporation subject
3 23 to this subsection shall adopt an amendment to its articles of
3 24 incorporation as provided in section 490.1005A.

3 25 e. Notwithstanding this subsection, the articles of
3 26 incorporation of a public corporation may confer upon the
3 27 holders of preferred shares the right to elect one or more
3 28 directors pursuant to section 490.804, who shall serve for such
3 29 term, and have such voting powers, as shall be stated in the
3 30 articles of incorporation.

3 31 2. Every public corporation shall be subject to subsection
3 32 1, unless it is exempt pursuant to this subsection.

3 33 a. (1) (a) In order for a public corporation in existence
3 34 on the effective date of this Act to be exempt from subsection
3 35 1, its board of directors must adopt a resolution or take



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4 1 action under section 490.821 expressly making an election to be
4 2 exempt from the provisions of subsection 1. Such resolution
4 3 or action must be adopted or taken within forty days after the
4 4 effective date of this Act.

4 5 (b) In order for a corporation which becomes a public
4 6 corporation after the effective date of this Act to be
4 7 exempt from subsection 1, its board of directors must adopt
4 8 a resolution or take action under section 490.821 expressly
4 9 making an election to be exempt from the provisions of
4 10 subsection 1. Such resolution or action must be adopted or
4 11 taken within forty days after the date when the corporation
4 12 became a public corporation.

4 13 (2) Upon adopting the resolution or taking board action
4 14 under section 490.821, the public corporation is no longer
4 15 subject to subsection 1, effective immediately unless otherwise
4 16 provided for in the resolution or by the board action.

4 17 b. If on the effective date of this Act the articles of
4 18 incorporation of the public corporation already provide for
4 19 staggering the terms of its directors under section 490.806,
4 20 the public corporation shall be exempt from the provisions of
4 21 subsection 1. In such event, no further corporate action is
4 22 required, and the public corporation is not required to amend
4 23 or modify any provision of its articles of incorporation or
4 24 bylaws in order to be exempt from subsection 1.

4 25 3. A public corporation that is exempt pursuant to
4 26 subsection 2 may elect to become subject to subsection 1 at any
4 27 time. To do so, its board of directors must adopt a resolution
4 28 or take action under section 490.821 expressly making the
4 29 election. On that date the corporation shall become subject to
4 30 subsection 1, unless another date is expressly provided in the
4 31 resolution or by the board action.

4 32 Sec. 7. Section 490.808, subsection 1, Code 2011, is amended
4 33 to read as follows:

4 34 1. a. ~~The~~ Except as provided in paragraph "b", the
4 35 shareholders may remove one or more directors with or without



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5 1 cause unless the articles of incorporation provide that
5 2 directors may be removed only for cause.

5 3 b. Notwithstanding its articles of incorporation or bylaws,
5 4 the shareholders of a public corporation subject to section
5 5 490.806A, subsection 1, shall not remove a director without
5 6 cause.

5 7 Sec. 8. Section 490.810, Code 2011, is amended by adding the
5 8 following new subsection:

5 9 NEW SUBSECTION. 1A. For a public corporation subject
5 10 to section 490.806A, subsection 1, a vacancy on the board of
5 11 directors, including but not limited to a vacancy resulting
5 12 from an increase in the number of directors, shall be filled
5 13 solely by the affirmative vote of a majority of the remaining
5 14 directors, even though less than a quorum of the board.

5 15 Sec. 9. NEW SECTION. 490.1005A Public corporation ====
5 16 amendment by board of directors.

5 17 1. The board of directors of a public corporation subject to
5 18 section 490.806A, subsection 1, shall adopt an amendment to its
5 19 articles of incorporation which includes all of the following:

5 20 a. A statement that the public corporation is subject to
5 21 section 490.806A, subsection 1.

5 22 b. Any necessary changes to the articles of incorporation
5 23 required to implement the requirements of section 490.806A,
5 24 subsection 1, including by staggering the terms of the board of
5 25 directors as described in that subsection.

5 26 2. Any amendment to the articles of incorporation as
5 27 provided in subsection 1 of this section shall be made without
5 28 shareholder approval.

5 29 3. Any amendment to the articles of incorporation as
5 30 provided in subsection 1 shall not be subsequently amended,
5 31 modified, superseded, or rescinded in a manner that is
5 32 inconsistent with the requirements of section 490.806A,
5 33 subsection 1.

5 34 Sec. 10. EFFECTIVE UPON ENACTMENT. This Act, being deemed
5 35 of immediate importance, takes effect upon enactment.



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6 1 EXPLANATION
6 2 GENERAL. This bill makes special provision for the
6 3 management of a public corporation by its board of directors.
6 4 PUBLIC CORPORATION DEFINED. The bill defines a public
6 5 corporation as either (1) having a class of voting stock listed
6 6 on a national trading exchange or (2) comprised of more than
6 7 2,000 shareholders. It deletes a provision referencing the
6 8 national association of securities dealers automated quotations
6 9 = national market system to reflect that such system is now a
6 10 national securities exchange.
6 11 STAGGERED TERMS FOR BOARD OF DIRECTORS. Currently, the
6 12 terms of directors for all corporations are for one year
6 13 (Code section 490.805), unless the terms are staggered by
6 14 dividing the total number of directors into two groups with
6 15 the directors serving either one or two years depending upon
6 16 the group or by dividing directors into three groups with the
6 17 directors serving one, two, or three years depending upon the
6 18 group (Code section 490.806). The bill requires that all
6 19 public corporations divide their number of directors into three
6 20 equal groups (referred to as "classes") serving staggered
6 21 three-year terms as designated by the current board. The
6 22 staggered term requirements apply to directors elected by
6 23 the public corporation's holders of common shares and not to
6 24 directors elected by holders of preferred shares (generally
6 25 a class of ownership enjoying a higher status when claiming
6 26 assets or earnings).
6 27 EXEMPTIONS. A public corporation may be exempted from the
6 28 new staggered term requirements, regardless of whether it is
6 29 subject to the one-term requirements in Code section 490.805
6 30 or the staggered term requirements in Code section 490.806.
6 31 The exemption applies only if its board makes an election to
6 32 opt out of the new staggered term requirements in Code section
6 33 490.806A by a date certain. The opt-out provision applies to a
6 34 public corporation that existed on the bill's effective date or
6 35 existed at any time as a private corporation and later became a



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Senate Study Bill 1121 continued

7 1 public corporation after the bill's effective date. A public
7 2 corporation is automatically exempted from the new staggered
7 3 term requirements if it is already subject to the staggered
7 4 term requirements in Code section 490.806. It is not required
7 5 to amend its articles of incorporation or bylaws.
7 6 OPT=IN REQUIREMENTS. For a public corporation that is
7 7 exempt from the new staggered term requirements either because
7 8 of an opt=out election or automatically, its board may at
7 9 any time elect to become subject to the new staggered term
7 10 requirements in Code section 490.806A.
7 11 LIMITATION ON FUTURE AMENDMENTS TO ARTICLES OF
7 12 INCORPORATION. A public corporation that is subject to the
7 13 new staggered term requirements in Code section 490.806A must
7 14 amend its articles of incorporation. The amendment cannot be
7 15 revised in the future in a manner that is inconsistent with the
7 16 requirements.
7 17 OTHER PROVISIONS. Once a public corporation becomes subject
7 18 to the staggered term requirements in Code section 490.806A,
7 19 its directors cannot be removed by the shareholders without
7 20 cause. A vacancy on the board is to be filled only by the
7 21 affirmative vote of a majority of the remaining directors.
7 22 EFFECTIVE DATE. The bill takes effect upon enactment.

LSB 1496SC (1) 84

da/nh



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Senate Study Bill 1122

SENATE FILE
BY (PROPOSED COMMITTEE ON
LABOR AND BUSINESS
RELATIONS BILL BY
CHAIRPERSON HORN)

A BILL FOR

1 An Act relating to unemployment compensation extended benefits
2 and including effective date and retroactive applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 1775SC (5) 84
je/rj



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Senate Study Bill 1122 continued

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1 1 Section 1. UNEMPLOYMENT COMPENSATION EXTENDED BENEFIT
1 2 INDICATORS. Notwithstanding any contrary provisions of chapter
1 3 96, with respect to weeks of unemployment beginning on or after
1 4 December 17, 2010, and ending four weeks prior to the last week
1 5 for which the federal government funds one hundred percent
1 6 of the cost of shareable extended unemployment compensation
1 7 benefits and shareable regular unemployment compensation
1 8 benefits as authorized by section 2005(a) of Tit. II of the
1 9 federal Assistance for Unemployed Workers and Struggling
1 10 Families Act, of the federal American Recovery and Reinvestment
1 11 Act of 2009, Pub. L. No. 111=5, as amended, for the purposes
1 12 of section 96.19, subsections 21 and 32, and section 96.29,
1 13 subsections 4 and 5:
1 14 1. There is a state "on" indicator for a week ending on
1 15 or before December 31, 2011, or any other date established in
1 16 federal law permitting this provision if the average rate of
1 17 total seasonally adjusted unemployment under chapter 96 for the
1 18 period consisting of the most recent three months for which
1 19 data for all states are published before the close of the week
1 20 equaled or exceeded six and one-half percent and equaled or
1 21 exceeded one hundred ten percent of the average of the rates
1 22 for any or all of the corresponding three-month periods ending
1 23 in the three preceding calendar years.
1 24 2. There is a state "off" indicator for a week only if,
1 25 for the period consisting of the week and the immediately
1 26 preceding twelve weeks, neither subsection 1 nor section 96.19,
1 27 subsection 21 or 30, specify that there is an "on" indicator.
1 28 3. A "high unemployment period" means any period during
1 29 which an extended benefit period would be in effect if
1 30 subsection 1 were applied by substituting "eight percent" for
1 31 "six and one half percent". In a high unemployment period,
1 32 section 96.29, subsection 4, shall be applied by substituting
1 33 "eighty percent" for "fifty percent" under paragraph "a",
1 34 subparagraph (1) and "twenty" for "thirteen" under paragraph
1 35 "a", subparagraph (2).



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Senate Study Bill 1122 continued

2 1 4. For purposes of determining eligibility for extended
2 2 unemployment compensation benefits under this Act, an
2 3 individual's eligibility period shall include any week which
2 4 begins in accordance with both of the following:
2 5 a. After the date as of which the individual exhausts all
2 6 rights to emergency unemployment compensation.
2 7 b. During an extended benefit period that began on or
2 8 before the date the individual exhausts all rights to emergency
2 9 unemployment compensation.
2 10 Sec. 2. EFFECTIVE DATE. This Act takes effect on the first
2 11 Sunday occurring thirty days after enactment of this Act.
2 12 Sec. 3. RETROACTIVE APPLICABILITY. For purposes of
2 13 providing extended unemployment compensation benefits, this Act
2 14 applies retroactively to weeks of unemployment beginning on or
2 15 after December 17, 2010.
2 16 EXPLANATION
2 17 This bill provides alternate definitions for the indicators
2 18 for unemployment compensation extended benefits dating from
2 19 December 17, 2010, and until four weeks prior to the last week
2 20 for which the federal government funds 100 percent of the cost
2 21 of shareable extended unemployment compensation benefits and
2 22 shareable regular unemployment compensation benefits. The bill
2 23 sets out new criteria for weekly "on" and "off" indicators.
2 24 The bill also defines a "high unemployment period", during
2 25 which certain provisions of Code section 96.29(4), concerning
2 26 total unemployment extended benefit amounts, are modified.
2 27 The bill provides that an individual's eligibility period
2 28 for extended unemployment compensation benefits under the
2 29 bill includes a week which begins after the date as of which
2 30 the individual exhausts all rights to emergency unemployment
2 31 compensation and during an extended benefit period that began
2 32 on or before the date the individual exhausts all rights to
2 33 emergency unemployment compensation.
2 34 The bill takes effect on the first Sunday occurring 30 days
2 35 after enactment.



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Senate Study Bill 1122 continued

3 1 The bill applies retroactively to weeks of unemployment
3 2 beginning on or after December 17, 2010, for purposes of
3 3 providing extended unemployment compensation benefits.

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je/rj



Iowa General Assembly
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Senate Study Bill 1123

SENATE FILE
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL
BY CHAIRPERSON BEALL)

A BILL FOR

1 An Act relating to the duties of the commission of veterans
2 affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
TLSB 2406XC (2) 84
aw/sc



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Senate Study Bill 1123 continued

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1 1 Section 1. Section 35A.3, subsection 2, Code 2011, is
1 2 amended to read as follows:
1 3 2. Review and approve, prior to adoption, all proposed
1 4 rules submitted by the department concerning the management
1 5 and operation of the department and programs administered by
1 6 the department. ~~Unless the commission votes to disapprove a~~
1 7 ~~proposed rule on a two-thirds vote at the earlier of the next~~
1 8 ~~regularly scheduled meeting of the commission or a special~~
1 9 ~~meeting of the commission called by the commission within~~
1 10 ~~thirty days of the date the proposed rule is submitted, the~~
1 11 ~~department may proceed to adopt the rule.~~
1 12 Sec. 2. Section 35A.3, Code 2011, is amended by adding the
1 13 following new subsections:
1 14 NEW SUBSECTION. 6. Provide guidance and make
1 15 recommendations to the department during an annual review of
1 16 the department's proposed budget and provide guidance and make
1 17 recommendations for budget changes that occur during the fiscal
1 18 year.
1 19 NEW SUBSECTION. 7. Consult with the department
1 20 regarding certification training for executive directors
1 21 and administrators of county commissions of veteran affairs
1 22 pursuant to section 35B.6.
1 23 Sec. 3. Section 35A.5, subsection 12, Code 2011, is amended
1 24 to read as follows:
1 25 12. Adopt rules pursuant to chapter 17A and establish policy
1 26 for the management and operation of the department. Prior to
1 27 adopting rules, the department shall submit proposed rules
1 28 to the commission for review and approval pursuant to the
1 29 requirements of section 35A.3.
1 30 EXPLANATION
1 31 This bill relates to the duties of the commission of veterans
1 32 affairs.
1 33 The bill requires that rules proposed by the department of
1 34 veterans affairs be approved by the commission of veterans
1 35 affairs prior to adoption. The bill strikes the requirement



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Senate Study Bill 1123 continued

2 1 that the commission disapprove a proposed rule by a 2/3 vote
2 2 of the commission.
2 3 The bill requires that the commission provide guidance and
2 4 recommendations to the department on the annual budget and
2 5 on changes to the budget during the fiscal year. The bill
2 6 requires that the commission consult with the department on
2 7 the training of executive directors and administrators of the
2 8 county commissions of veteran affairs.
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